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10, Downing Street,
Whitehall, S.W.

I concur in all you say
in your letter to Lord Knollys.

As to the Conference
meeting in one year or another,
it does not much matter: but
it must be kept alive whether
an individual attempt at
general understanding fails
or not. And we are bound to
be as helpful to it as we may,
not only by our public promises
but by our honest opinions.

H. C. B.

12 Nov.

Facsimile of Private Letter from Sir Henry Campbell-Bannerman
to Sir Edward [Lord] Grey, p. 199.

[Grey MSS., Vol. 64.]

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Vol. 8



British Documents on the Origins of the War 1898-1914

Edited by G. P. GOOCH, D.Litt., F.B.A., and
HAROLD TEMPERLEY, Litt.D., F.B.A.

Vol. VIII ARBITRATION, NEUTRALITY AND SECURITY

LONDON:

1932

59-2-8

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JOHNSON REPRINT CORPORATION
111 Fifth Avenue, New York, N.Y. 10003

JOHNSON REPRINT COMPANY LTD.
Berkeley Square House, London, W.1

Reprinted from a copy in the collections of
The New York Public Library
Astor, Lenox and Tilden Foundations

First reprinting, 1967, Johnson Reprint Corporation
Printed in the United States of America

VOLUME VIII

ARBITRATION, NEUTRALITY
AND SECURITY

Edited by

G. P. GOOCH, D.Litt., and HAROLD TEMPERLEY, Litt.D.

with the assistance of

LILLIAN M. PENSON, Ph.D.

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PROVO, UTAH

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Foreword to Volume VIII.

THE decision to publish a selection from the British Documents dealing with the origins of the War was taken by Mr. Ramsay MacDonald, Prime Minister and Secretary of State for Foreign Affairs, in the summer of 1924. It was confirmed and announced by Mr. (now Sir) Austen Chamberlain in a letter of the 28th November, 1924 (published in "The Times" on the 3rd December), addressed to Dr. R. W. Seton-Watson. Some extracts from this letter were published by the Editors in the Foreword to Volume XI, and it need only be said here that the Secretary of State for Foreign Affairs referred to "impartiality and accuracy" as being the necessary qualifications for any work which the Editors were to publish.

The eighth volume lacks the organic unity of its immediate predecessors, and for this reason it is impossible to do full justice in the title to the variety of its contents. The topics with which it deals, however, are of considerable importance, and the connecting link is found in the revelation of British statesmanship at work in many fields. Neither conflict nor crisis disturb the relative tranquillity of these pages. Since the South African war Great Britain had been satisfied with the *status quo*, and she was ready to consider suggestions for its preservation, whether by arbitration or by regional agreements. That she was opposed to a wider extension of her obligations is shown in the opening chapters by her polite refusal to follow up approaches from Portugal and Greece. In renewing and modifying the alliance with Japan in 1911 the object of British policy was to eliminate the danger of being drawn into a conflict with the United States. The excellent relations between London and Washington established at the turn of the century were reflected in the General Arbitration Treaty signed in 1911, which was subsequently abandoned owing to internal difficulties in the United States, and in the Bryan treaty. The latter was negotiated shortly before, but actually signed after, the World war had begun. None of the Powers could boast of any outstanding achievement at the Second Hague Conference; but on its termination Great Britain took the initiative in summoning the London Naval Conference to draw up rules for the use of an International Prize Court. The study of these two Conferences is, however, of the utmost importance as showing the attitude of pre-war Europe alike to peace and arbitration and international law.

From a private source important unofficial comments are published on the Second Hague Conference in Sir Ernest Satow's Journal (p. 305), from Sir Eyre Crowe (p. 351) and by Professor Westlake (pp. 369-70). The old question at issue between Great Britain and Foreign Powers as to the right of capture of private property at sea receives fresh and ample illustration. The Declaration of London is expounded at length by Sir Eyre Crowe (pp. 360-6) in reply to Mr. Gibson Bowles, with much reference on both sides to the Declaration of Paris of 1856. The Editors have been fortunate in discovering the process by which the Declaration in question was submitted to the Cabinet in 1856 (pp. 204-6). These documents were presented by Mr. Evelyn Ashley to the Foreign Office in 1876. Lord Tenterden then described them as very important and interesting and stated "we have hitherto been unable to find any record of what passed when the proposal for the Declaration was first mooted." It was asserted in 1856 that Lord Clarendon was himself primarily responsible (*cf.* Sir Herbert Maxwell: *Life of Earl of Clarendon* (1913), Vol. II, p. 121). The original text of these minutes is of great interest as showing the way in which decisions are reached in the Cabinet. It incidentally suggests that Lord Palmerston was quite conciliatory in the matter, a fact not admitted at the time.

There are also some other illustrations from the history of British diplomacy previous to the year 1897. The most important of these are probably the hitherto

unpublished memoranda on Belgian neutrality during the seventies. The Editors had already published extracts from a memorandum on Treaties of Guarantee of the year 1871 in Volume I, pp. 94-5. They include in the present volume the text of the opinion of the Law Officers of the Crown on the subject of August 6, 1870 (pp. 378-9), and the Memorandum of Sir Edward Hertslet of April 2, 1872 (pp. 371-4). In an Editorial Note (pp. 374-5) they give extracts from despatches relating to the British attitude towards Belgium during 1887. These were mentioned but not quoted by Lady Gwendolen Cecil in Volume IV of her *Life of Robert Marquis of Salisbury*. There are also—within the limits of the period of this series—important pronouncements on the Belgian question by Sir Eyre Crowe of 1908 (pp. 375-7) and 1912 (pp. 392-6) and by Mr. Hurst of 1912 (pp. 391-2). There are minutes of much interest by Lord Hardinge (pp. 377-8), and by Sir Edward Grey (p. 403), in addition to despatches of Colonel Bridges and extracts from the minutes of the Committee of Imperial Defence. Comparisons should be made here with the important Villiers-Nicolson correspondence during 1913, published in Harold Nicolson's *Lord Carnock*, chapter XIV (*v. infra*, p. 405).

New light is also thrown on the Mediterranean and Turkish Agreements of 1887, a much discussed but still rather obscure question. For the first time the full history of these negotiations is given from the British side. Foreign Office Memoranda respectively of July 1, 1902, and January 22, 1903, by Sir T. H. (Lord) Sanderson (pp. 1-17) give the history of the two negotiations. But the editors have substituted the full text of the documents for the summaries there given in the memoranda. Most of these documents are of a private and unofficial character. They are in a special file in the Foreign Office, explained by a Minute which Lord Salisbury added to one of these papers (p. 2) "Like the rest—to be kept *quite secret*." These fill up the gaps left in Lady Gwendolen Cecil's account in Volume IV of her *Life of Robert Marquis of Salisbury*. Lord Rosebery's refusal to recognise the Agreements is also described (pp. 4, 13, 32), and is of considerable interest as there is no allusion to it in Lord Crewe's *Lord Rosebery*. Important light is here thrown on the question of the attitude of an incoming Minister to the diplomatic obligations of a previous Cabinet, and of the continuity of British foreign policy. There is also a good deal of information on the policy of Great Britain towards Italy, a great Power with whom she has maintained friendly relations since the creation of the Kingdom. There is an interesting reference to Italy's relations with the Triple Alliance in minutes on pp. 440-1.

The references to the British Alliance in view of suspected German designs on the overseas possessions of Portugal, though brief, are of great importance. The evidence here submitted seems to explain in some degree the confusion and misunderstanding out of which the story of the so-called "Treaty of Windsor" in 1899 arose (pp. 49-58). Further, the interpretation by Sir Edward Grey of the character and extent of the Portuguese alliance is made quite clear by a despatch of 1907 which he amended in his own hand (pp. 52-3). This pronouncement is referred to by Sir Eyre Crowe (p. 54) and compared with an interpretation of the Anglo-Portuguese alliance in 1873 of which the Editors had already published the text in Volume I, pp. 51-2. References will also be found in that volume to the history of the Portuguese Alliance during the earlier part of the nineteenth century. These should be carefully considered in connexion with the developments in 1913, which will be described in a future volume. Appendix III contains some papers found just before going to press. They contain minutes by Lord Palmerston during the years 1846-7, referring to British attempts to acquire overseas possessions of Spain and Portugal, mainly by purchase, in those and previous years. The attitude here shown should be compared with that of Great Britain towards similar or suspected German attempts in more modern times related in Chapter LXII. On the whole, like the minutes referring to the Declaration of Paris in 1856, they show Palmerston in a favourable light.

The Baltic problems are of considerable importance. The first paper printed here is a memorandum of May 8, 1905, dealing with the historic origins of the treaty of 1855 guaranteeing Norway and Sweden against Russian aggression (pp. 81-2). The remainder of Chapter LXIII deals with the situation created by the separation of Norway from Sweden in 1905, and the recognition of the new Kingdom of Norway. Problems dealing with arbitration, neutrality and guarantee in consequence arose which are treated at some length, and are of considerable value in indicating the relations of Germany, Russia and Great Britain. They are also of much interest to the student of the technique of diplomacy. In this connexion some valuable discussions arose between M. Clemenceau and Mr. Lister (pp. 140, 156-7), of which no record appears in the official despatches. The private letters in the Carnock MSS. do not supply a complete record but give the outline of what is rather a mysterious and disputed story. Like most other things connected with M. Clemenceau it is a story that does not lack interest.

The great questions of the Anglo-Japanese Alliance, and of British relations with the United States, fill two important chapters (LXIX and LXX). It will be seen that during this period the British Government successfully solved the problem of renewing the Japanese Alliance, and at the same time of entering upon closer and more friendly relations with the United States than had previously existed. The new British attitude is fully revealed in the private letters between Sir Edward Grey and Mr. (Lord) Bryce during the year 1911 (pp. 550-1, 559-60, 561-7, 575, 593, 597, 601-4).

In contrast to the active part it played in the issues described in volumes III to VII, the story of British diplomacy as revealed in the present volume is unexciting. Yet we become aware of the *malaise* of Europe at many points, and the stern exclusion of the limitation of armaments from the programme of the Second Hague Conference was an ominous sign of strain and mistrust. We approach most closely to the central peril to European peace—the grouping of the Great Powers into rival camps—in the chapters on the neutrality of Belgium and Switzerland and the Appendix on the project for the fortification of Flushing. Both within and beyond their frontiers we watch busy brains at work on the possible rôle in a European war of three little countries occupying strategic positions, none of them feeling entire confidence in the observance of the treaties by which their international status was defined. The reports from Berne of Colonel Delmé-Radcliffe drew attention to a potential danger of which the British public remained practically unaware. The memoranda of Sir Eyre Crowe and the extracts from the proceedings of the Committee of Imperial Defence indicate the peculiar anxiety with which the Belgian factor on the international chess-board was studied in Downing Street. The papers on Flushing also deal with a subject which was much discussed in public but of which diplomats alone knew the delicacy and difficulty.

Once again the private papers of Sir Edward Grey and Lord Carnock have proved of invaluable assistance, not only in interpreting the attitude of the Secretary of State and his principal adviser, but in revealing the inmost thoughts of the British representatives abroad as expressed in their confidential correspondence. It is as well to mention again the statement of Lord Grey (already quoted in Volume VI, p. IX): "I did not, however, regard anything except my own letters and official papers as deciding policy."

In accordance with the practice observed in the preceding volumes the documents in the present volume containing information supplied or opinions expressed by certain Foreign Governments have been communicated to them for their agreement. The response has been less completely satisfactory than usual. At the wish of one Foreign Government a few words have been omitted, and two omissions have been made at

the request of a second. A third omission has been made, but this is a purely personal reference. In the only instance in which a question of policy was involved the whole matter has been fully illustrated from other sources and published in this volume. The Editors can therefore assert, as in all previous volumes, that they have omitted nothing which they consider essential to the understanding of the history of the period. In this connexion they beg to draw attention to their statement (made originally on p. viii of Volume III, and referred to on p. viii of Volume IV, on p. ix of Volume VI and on p. viii of Volume VII) "that they would feel compelled to resign if any attempt were made to insist on the omission of any document which is in their view vital or essential."

In addition to despatches and telegrams, there are memoranda and minutes which are properly official documents. No objection has been raised by His Majesty's Secretary of State for Foreign Affairs to the publication in this volume of any documents of the above kind, nor to the publication of certain similar papers or of private letters, which are not properly official documents, but which are preserved in the Foreign Office.

The Editors are reserving lists of Errata for their concluding volume as these deal for the most part with very small points. In connexion with two matters which have been raised with reference to Volume VII they have thought it well to make statements in the present volume in order to avoid further misrepresentation. The documents referring to the Cartwright Interview reproduced in Volume VII as Appendix V (pp. 837-45) have produced much discussion on the Continent. The Editors think it well to state that they have in this, as in all other instances, confined themselves to publishing the relevant British documents on the subject, thus leaving the public to draw their own conclusions. When a subject is in a special degree a matter of controversy between nations or governments, they have, as in the case of the Cartwright Interview, always published the papers with unusual fullness. They had hoped that a reference to their previous volumes would have made it sufficiently clear that this was their practice. They are sure that a renewed study of them will confirm the fact that they do not pronounce on the merits of disputed questions, but merely supply material for the decision of others. Reference to the other point which has been queried in connexion with Volume VII will be found on p. xi, as it is a technical matter.

His Majesty the King has graciously consented to the publication of the minutes of the late King Edward VII. The Editors desire also to acknowledge the friendly assistance and advice of various officials at the Foreign Office, among whom they would like to mention the Librarian, Mr. Stephen Gaselee, C.B.E., and Mr. J. W. Field, O.B.E. They wish also to thank the officials of the Record Office in London, Mr. Wright, who was in charge of the Diplomatic and Embassy Archives formerly at Cambridge and now at Canterbury, and Miss E. M. Keate, M.B.E., and Miss I. B. Johnston, B.A., who assisted in the preparation of the volume for press.

G. P. GOOCH.

HAROLD TEMPERLEY.

Note on the Arrangement of Documents, &c.

THE technical arrangement and details of this volume differ in some ways from those of former volumes. The subjects dealt with form a series of separate episodes, though there is some measure of similarity in their general character.

Within the chapters and their sub-sections the papers are placed in chronological order as in previous volumes; and, as before, chronological order means the date of despatch, whether to or from London, not the date of its receipt. The latter date is often added, and readers should be careful to note it.

In the texts of the documents the spelling of names, &c., capitalisation and punctuation have been reproduced from the original text whose reference is quoted. The headings have been worded in accordance with a standard form, where no suitable headings appear on the originals, and the spelling of names has in all cases been standardised. In the case of certain of Sir Edward Grey's private letters a heading appears on the typed copies preserved in the Grey or Carnock MSS. These vary slightly in form, the usual wording being *either*

“ Copy of letter from Sir E. Grey
to Sir F. Bertie, Paris,
29 December 1907 ”

(*cp. infra.*, p. 158, No. 136), or

“ Copy of letter from Sir E. Grey to Sir A. Nicolson,
St. Petersburg, 1 May 1907 ”

(*cp. infra.*, p. 228, No. 195).

In the case of three documents in Volume VII whose heading in the original was worded in accordance with the first of these examples, the word “ Paris ” was reproduced. This, however, caused misapprehension since the obvious interpretation “ [To] Paris ” was not understood. To avoid such misinterpretation in the present volume, the place name has been omitted in all such cases. The documents affected in Volume VII are p. 358, No. 375, p. 503, No. 531, p. 521, No. 540.

In the earlier part of the volume some of the documents are taken from the official series of Foreign Office papers in the Public Record Office. The classification of these papers for the period 1898–1905 was thus described in the note prefaced to Volumes I and II (p. ix):—

“ They are classified mainly by country (F.O. France, etc.) and within countries by years. For each year the diplomatic documents are separated from the commercial and other classes. Within the diplomatic class there are volumes of outgoing and incoming despatches, outgoing and incoming telegrams, communications with the Foreign Ambassador (‘ Domestic ’) and with other Government Departments (‘ Various ’). Papers relating to certain subjects have been specially treated. Some have been placed together in a miscellaneous series (F.O. General), as in the case of the Hague Peace Conference. In other instances all papers relating to a certain geographical area have been placed together, as with African affairs (after 1899) and the affairs of Morocco. Correspondence with the British representative at Paris or elsewhere appears in these cases under F.O. Africa and F.O. Morocco. A third method was to separate the correspondence relating to a special aspect of affairs from the other papers of the country concerned, thus removing them from chronological sequence. This was the case with despatches on African affairs down to 1899, which appear in special series of F.O. France (Africa), F.O. Germany (Africa), etc.”

It may be stated in addition that some valuable papers, *e.g.*, on questions relating to the subject of security, are among the series F.O. Great Britain and General.

Use has been made in the first chapter of Foreign Office Memoranda which summarize conveniently the important negotiations relating to the Mediterranean Agreements of 1887. The documents included in the text of the Memoranda have, however, in every case been compared with the texts preserved in a volume of the Foreign Office Series, Original Treaties, and the full text substituted from this source. This volume, unlike the others in the series, contains some valuable despatches and other documents which are not included among the Foreign Office correspondence at the Public Record Office, and were evidently preserved in this form because of their secrecy. Reference to other volumes of the series has been made for the text of Treaties cited in other parts of this volume. The Public Record Office reference for this series is F.O. 93. This has not been quoted in the text of this volume, as transference to the custody of the Public Record Office took place while the volume was going to press.

The note prefaced to Volume III (pp. ix-x) described further the arrangement inaugurated at the beginning of 1906 :—

“ A new system was inaugurated at the beginning of the year 1906. From that date all papers, irrespective of country, are first divided into certain general categories, ‘ *Political* ’ (the former ‘ diplomatic ’), *Commercial*, *Consular*, *Treaty*, etc. The papers are, however, not removed from their original files, the contents of each file being treated as one document. The files of papers are classified within the general categories according to the country to which their subject most properly belongs. The volumes containing papers relating to any country are therefore in a sub-section of the main series, and these sub-sections are arranged in alphabetical order (*e.g.*, *Political*, *Abyssinia*, etc.). Previously the correspondence with, say, the British Ambassador at Paris was kept distinct from the communications of the French Ambassador in London, the latter being termed ‘ Domestic.’ This distinction is now abolished and all papers relating to a subject are placed together in one file or in a series of files. The historian finds many difficulties in this arrangement, as the files are not arranged in the volumes in chronological or alphabetical sequence. The Foreign Office overcomes these difficulties by compiling a manuscript register of the contents, but this method cannot be used so satisfactorily by the historian. It is to be feared that the new arrangement makes it more difficult for the historian to be sure he has found all the papers relating to a given incident.”

It may be noted that in the references for the volumes of this period the terms “ *Political*,” “ *Treaty*,” &c., are not used, but the corresponding number given to the series at the Public Record Office is quoted: *e.g.*, F.O. 368 = *Commercial*.

F.O. 371 = *Political*.

F.O. 372 = *Treaty*.

The Editors are informed that the system of arrangement started in 1906 will be continued for the remainder of the period down to the outbreak of the War; but at present this process of arrangement in bound volumes has reached only to the year 1910, and the work for that year is not yet complete. Beyond this date the documents are still at the Foreign Office in the original loose jackets, and have not been sorted into any regular sequence. The task of surveying the available material is thus one of great difficulty. The Editors hope that it has been fulfilled adequately by the combination of three methods. A large proportion of the more important papers are printed in the bound volumes of the many series of the *Confidential Print*, and from the references given to these access to the originals in the Foreign Office files is easy. The printed texts can then be checked and the notes and minutes reproduced from the originals. Secondly, application has been made to the Foreign

Office library staff for papers to which accidental reference has been found. Thirdly, the Foreign Office registers of despatches and telegrams sent to or received from every British Embassy or Legation have been at the disposal of the Editors for the purpose of searching for documents not otherwise to be found. It is hoped that by the use of these means the danger of material omissions has been overcome; but the position is not nearly so satisfactory as in the period for which a strict chronological series exists.

The Editors have already recorded in previous volumes their regret for the fact that the Embassy archives for the period after 1905 are not generally available. With the exception of Japan (to 1910) and Russia, the Embassies and Legations have not yet sent their later papers to England. The Editors can, however, confirm the judgment previously expressed that the records are more exact and complete after 1906. There are a few cases in the present volume in which the original texts of documents occurring in the *Confidential Print* have proved impossible to trace. In the large number of cases where opportunities for comparisons exist such copies have been found to be verbally exact, though the punctuation and capitalisation are standardised. Since the volume was sent to press the originals have been found for seven documents for which they were previously missing. The Editors have been able in consequence to check the accuracy of the copies reproduced. Where the documents concerned are despatches and private letters the wording is textually exact; where they are telegrams the paraphrase is correctly reproduced, and the decypher with which it has been compared is identical in substance. The documents concerned and their reference numbers are as follows:—

- pp. 559–60, No. 463. F.O. 12283/1139/11/45.
- pp. 560–1, No. 464. F.O. 12354/1139/11/45.
- pp. 563–4, No. 468. F.O. 16011/1139/11/45.
- pp. 574–5, Nos. 474–5. F.O. 19464/1139/11/45.
- p. 578, No. 480. F.O. 23888/1139/11/45.

The private collections available at the Foreign Office are more complete after the beginning of the year 1906. Many letters have been printed from the private correspondence of Sir Edward (Lord) Grey and from that of Sir Arthur Nicolson (Lord Carnock). Some extracts are given from private papers of Sir Ernest Satow. A few of these are in the possession of Harold Temperley, the others are quoted from copies taken during Sir Ernest Satow's lifetime, and corrected by him. The papers of Sir Charles (Lord) Hardinge and those of Lord Lansdowne are also now available for use. Some of these were found too late to be published in the earlier volumes of this series, but the matter thus unintentionally omitted will ultimately be published in a later volume.

The value of minutes is again remarkable and the present volume contains many of great interest by King Edward, Lord Loreburn, Sir Edward Grey, Sir Charles (Lord) Hardinge, Sir Arthur Nicolson, Sir William Davidson, Mr. Hurst, Mr. (Sir) Eyre Crowe, and others.

With reference to the extract from the Minutes of the Committee of Imperial Defence of April 25, 1912 (*infra*, pp. 397–8, No. 325), it may be as well here to explain that the discussion in regard to Belgium resulted purely from a technical examination of the possible attitude of her Government in case of a violation of her territory by Germany. The discussion did not arise out of any immediate political or diplomatic situation. It was thought unnecessary therefore to reproduce some of the arguments which were purely technical or hypothetical. But an exception was made in regard to the observations of the Prime Minister as these dealt with a question of fact. They have therefore been reproduced in full.

Plan of Volume VIII.

Chapter LXI deals with a number of Mediterranean topics. It opens with a memorandum by Sir T. H. (Lord) Sanderson upon the notes exchanged by Great Britain in February–March, 1887, with Italy and Austria-Hungary, giving the full text of the documents of that date and of later documents hitherto unpublished showing the attitude of Lord Rosebery in 1892 and Lord Salisbury in 1896. A second memorandum by Sir T. H. (Lord) Sanderson deals similarly with the Tripartite Agreement of December, 1887, between Great Britain, Italy and Austria-Hungary as to their policy in Turkish affairs, and contains an important statement (p. 13) as to Lord Rosebery's attitude to the Agreements as a whole. Again a full record of the relevant documents is given. A note is added upon the accompanying Italo-Spanish Agreement of May, 1887, which was communicated secretly to Lord Salisbury at the time of its conclusion, and again on its renewal in 1891.

These memoranda are followed by a number of documents relating to the question of Tripoli which throw further light on the relations between Italy and Great Britain, and France and Italy, and a memorandum upon the position in Abyssinia showing the origin of the Agreement between the same three countries of December 13, 1906. The position of Italy at this period is further elucidated by a series of documents bearing upon her relations to the other members of the Triple Alliance. This section opens with a memorandum by Sir T. H. (Lord) Sanderson of 1902 summarising the information then available at the Foreign Office as to the character of the Triple Alliance.

The chapter contains further a section upon the Greek proposal of July, 1907, for a naval agreement with Britain, showing the reasons which prevented the British Government from accepting the overture.

Portugal and the British Alliance, 1904–1911, is the subject of *Chapter LXII*. It reveals the desire of successive Governments at Lisbon, both Monarchical and Republican, to maintain and increase the intimacy of the long-standing relationship. Three main topics were involved: the question of the Alliance itself, of the protection of the Portuguese Royal Family, and the possibility that Germany should seek a coaling station in the Portuguese Colonies. In connexion with the first an important statement was made by Sir Edward Grey on February 27, 1907, as to the interpretation of the Alliance (p. 53), and his own minutes and those of Mr. (Sir) Eyre Crowe and Sir Charles (Lord) Hardinge show the deliberations on which this view was based (*cp.* p. 52, *Ed. note*, pp. 53–4, and p. 57).

Chapter LXIII concerns the separation of Norway and Sweden in 1905, the recognition of Norway by Great Britain, the negotiations leading to the Treaty of November 2, 1907, guaranteeing the independence and integrity of Norway, and the Declarations made at Christiania on November 2, 1907, and Stockholm on April 23, 1908, abrogating the Treaty of November 21, 1855. The story is complicated by the proposal to abrogate also the Convention of March 30, 1856, forbidding the fortification of the Aaland Islands.

Further reactions of the separation of Norway and Sweden, issuing in the Agreements of April 23, 1908, and May 20, 1908, for the maintenance of the *status quo* in the territories bordering on the North Sea and the Baltic respectively, are described at length in *Chapter LXIV*. Special interest attaches to the information available as to Russo-German relations at this period.

Chapter LXV contains the prolonged discussions which prepared the way for the Second Peace Conference at The Hague in 1907, the instructions to the British Plenipotentiaries, and the communications between Sir Edward Fry and the Secretary of State during the four months of the sessions. The chapter concludes with an analysis of the action of various Powers by Lord Reay, the second British representative.

The London Naval Conference, summoned in 1908 to draw up a list of rules of International Law for the use of an International Prize Court, is the topic of *Chapter LXVI*. Conflicting views of the value of the Declaration of London are presented in the reprint of an article by Mr. Gibson Bowles and in an elaborate reply (hitherto unpublished) to his criticisms by Sir Eyre Crowe (pp. 360-6).

Chapter LXVII throws fresh light on the delicate problem of Belgian neutrality. The views of official circles as to the nature of the treaty obligations of 1839 and the methods of affording military aid in case of need are illustrated from Foreign Office Memoranda and the Minutes of the Committee of Imperial Defence, and much information is supplied on the question from the despatches of Colonel Bridges.

The possibilities of danger to the Western Powers in time of war, arising from the violation of Swiss neutrality, is discussed in *Chapter LXVIII*. One aspect of it is to be found in the relations between some Swiss officers with German and Austro-Hungarian officers. The whole problem is illustrated in a series of detailed despatches from the British Military Attaché at Berne.

Chapter LXIX describes Japanese agreements with the United States and Russia during the years 1908 and 1910 respectively. The circumstances attending the annexation of Korea in 1910, and the negotiations leading to the renewal of the Anglo-Japanese Alliance in 1911 in a form designed to prevent Great Britain from being involved in war with the United States, are also detailed.

The negotiation of a General Arbitration Treaty in 1911 between Great Britain and the United States, which came to an end in the following year, is the main theme of *Chapter LXX*. The second part of the chapter describes the negotiation of the so-called Bryan treaties, that with Great Britain being signed and ratified shortly after the outbreak of the world war.

Appendix I depicts the alarm created in the minds of British and French statesmen by the intention of the Dutch Government to fortify Flushing, a project believed in some quarters to be due to German influence and to threaten the safety of Belgium in the event of war.

Two private letters from the Hardinge MSS. are printed in *Appendix II*. They supplement the numerous private letters from the Grey and Carnock MSS. printed in *Chapter LXIV*, and amplify the story of Russian relations with Germany and Great Britain on which much light is thrown by the negotiations for a Baltic Agreement.

In *Appendix III* several documents are printed from the records of 1846-7, including minutes by Lord Palmerston. They relate to various attempts to buy certain of the oversea possessions of Spain and Portugal, and are of some historical interest.

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List of Abbreviations.

<i>A. & P.</i>	British Parliamentary Papers, <i>Accounts and Papers</i> .
<i>B.F.S.P.</i>	<i>British and Foreign State Papers</i> .
<i>Churchill</i>	Winston Churchill: <i>The World Crisis, 1911-14</i> (1923).
<i>D.D.F.</i>	<i>Documents Diplomatiques Français</i> (1871-1914).
<i>G.P.</i>	<i>Die Grosse Politik der Europäischen Kabinette</i> .
<i>Martens</i>	G. F. de Martens: <i>Nouveau Recueil Général de Traités, 1908-13, 3^{me} Série</i> (Leipzig, 1913).
<i>Nicolson</i>	Harold Nicolson: <i>Sir Arthur Nicolson, Bart., First Lord Carnock: A Study in the Old Diplomacy (1849-1928)</i> (1930).
<i>Parl. Deb.</i>	<i>Parliamentary Debates (House of Lords, or House of Commons)</i> .
<i>Pribram</i>	A. F. Pribram: <i>Secret Treaties of Austria-Hungary</i> (Harvard University Press, 1920-1).

Names of Writers of Minutes.

Argyll	= The Eighth Duke of Argyll	...	Lord Privy Seal, 1853-5; Postmaster-General, 1855-8, 1860; Lord Privy Seal, 1859-60, 1860-6; Secretary of State for India, 1868-74; Lord Privy Seal, 1880-1.
B. A. B. F. A.	= Mr. (later Sir) Beilby F. Alston	...	Assistant Clerk in the Foreign Office, 1903-6; Acting Senior Clerk, 1906-7; Senior Clerk, 1907-18.
F. D. A.	= Mr. F. D. Acland	... ..	Parliamentary Under-Secretary of State for Foreign Affairs, 1911-5.
H. H. A.	= Mr. H. H. Asquith (later Earl of Oxford and Asquith)		Prime Minister and First Lord of the Treasury, April 8, 1908-December, 5, 1916.
E. B.	= The Hon. Sir Eric Barrington	...	Private Secretary to Lord Lansdowne, 1900-5; Assistant Under-Secretary of State for Foreign Affairs, 1906-7.
G. de B.	= Mr. G. de Bernhardt	... ..	Assistant Librarian in the Foreign Office, 1905-14.
H. C. B.	= Sir Henry Campbell-Bannerman	...	Prime Minister and First Lord of the Treasury, December 5, 1905-April 4, 1908.
M. T.	= Mr. M. T. Baines	... ..	Chancellor of the Duchy of Lancaster, 1855-8.
R. W. B.	= Mr. (later Sir) R. W. Brant	...	Clerk in Foreign Office, 1872-1900; Assistant Clerk, 1900-5; Librarian, 1905-14.
Clarendon	= The Fourth Earl of Clarendon	...	Secretary of State for Foreign Affairs, 1853-8; Chancellor of the Duchy of Lancaster, 1864; Secretary of State for Foreign Affairs, 1865-6, 1868-70.
E. A. C.	= Mr. (later Sir) Eyre Crowe	...	Senior Clerk in the Foreign Office, 1906-12; Assistant Under-Secretary of State for Foreign Affairs, 1912-20; Permanent Under-Secretary of State for Foreign Affairs, 1920-5.
F. A. C.	= Mr. (later Sir) Francis Campbell	...	Assistant Under-Secretary of State for Foreign Affairs, 1902-11.
P. C.	= Sir P. (later Baron) Currie	...	Assistant Under-Secretary of State for Foreign Affairs, 1882-9; Permanent Under-Secretary of State for Foreign Affairs, 1889-94; Ambassador at Rome, 1898-1903.
R. H. C.	= Mr. R. H. Campbell	... ..	Clerk in the Foreign Office, 1907-13; Private Secretary to Sir A. Nicolson, 1913-16, and to Lord Hardinge, 1916-19.
E. D.	= Hon. James (later Sir) Eric Drummond		Assistant Clerk in the Foreign Office, 1910-18.
W. E. D.	= Mr. (later Sir) W. E. Davidson, K.C.		Legal Adviser to the Foreign Office, 1886-1918.
F.	= Lord E. (later Baron) Fitzmaurice (of Leigh)		Parliamentary Under-Secretary of State for Foreign Affairs, 1883-5, 1905-8; Chancellor of the Duchy of Lancaster, 1908-9.
G.	= The Second Earl Granville	...	Secretary of State for Foreign Affairs, 1851-2; Lord President of the Council, 1852-4; Chancellor of the Duchy of Lancaster, 1854-5; Lord President of the Council, 1859-65; Secretary of State for the Colonies, 1868-70, 1886; Secretary of State for Foreign Affairs, 1870-4; 1880-5.
E. G.	= Sir Edward (later Viscount) Grey (of Fallodon)		Secretary of State for Foreign Affairs, December 11, 1905-December 11, 1916.

G. G.	= Sir George Grey	... ..	Home Secretary, 1846-52; Secretary of State for the Colonies, 1854-5; Home Secretary, 1855-8; Chancellor of the Duchy of Lancaster, 1859-62; Home Secretary, 1862-6.
R. H. G.	= Mr. R. H. Greg	... ..	Clerk in the Foreign Office, 1899-1909; Assistant Clerk, 1909-15.
Harrowby	= The Second Earl of Harrowby	... ..	Lord Privy Seal, 1855-7.
C. J. B. H.	= Mr. (later Sir) C. J. B. Hurst	... ..	Assistant Legal Adviser to Foreign Office, 1902-18; Legal Secretary at Second Hague Peace Conference, 1907; Delegate at London Naval Conference, 1908.
C. H.	= Sir Charles (later Baron) Hardinge (of Penshurst)	... ..	Assistant Under-Secretary of State for Foreign Affairs, 1903-4; Ambassador at St. Petersburg, 1904-6; Permanent Under-Secretary of State for Foreign Affairs, 1906-10; Viceroy and Governor-General of India, 1910-6.
G. H. B. K.	= Mr. G. H. B. Kenrick, K.C.	... ..	Temporary Assistant Legal Adviser in the Foreign Office, June-November 1907.
Loreburn	= The First Earl of Loreburn	... ..	Lord Chancellor, 1905-12.
E. G. L.	= Mr. E. G. Lister	... ..	Clerk in the Foreign Office, 1899-1907; Assistant Clerk, 1907-13.
E. H. J. L.	= Mr. E. H. J. Leslie	... ..	Clerk in the Foreign Office, 1902-13; Assistant Clerk, 1913-9.
G. C. L.	= Sir George Cornwall Lewis	... ..	Chancellor of the Exchequer, 1855-8; Home Secretary, 1859-61; Secretary of State for War, 1861-3.
H. Labouchere	= Mr. H. Labouchere (later Baron Taunton)	... ..	Secretary of State for the Colonies, 1855-8.
M. W. L.	= Mr. M. W. Lampson	... ..	Clerk in the Foreign Office, 1903-13; Acting 2nd Secretary at Tôkiô, 1908-10; at Foreign Office, 1910-1; Acting 2nd Secretary at Sophia, 1911-2; Assistant Clerk in the Foreign Office, 1913-22.
W. L.	= Mr. (later Sir) Walter Langley	... ..	Senior Clerk in the Foreign Office, 1902-7; Assistant Under-Secretary of State for Foreign Affairs, 1907-18.
L. M.	= Mr. (later Sir) Louis Mallet	... ..	Private Secretary to Sir Edward Grey, 1905-6; Senior Clerk in the Foreign Office, 1906-7; Assistant Under-Secretary of State for Foreign Affairs, 1907-13; Ambassador at Constantinople, 1913-4.
R. P. M.	= Mr. R. P. Maxwell	... ..	Private Secretary to Sir T. H. (afterwards Lord) Sanderson, 1894-6; Assistant Clerk in the Foreign Office, 1896-1902; Senior Clerk, 1902-13.
W. M.	= Mr. (later Sir) W. Maycock	... ..	Superintendent of the Treaty Department, Foreign Office, 1903-13.
A. N.	= Sir Arthur Nicolson (later Baron Carnock)	... ..	Ambassador at Madrid, 1905-6; British Representative at the Algeiras Conference on Affairs of Morocco, 1906; Ambassador at St. Petersburg, 1906-10; Permanent Under-Secretary of State for Foreign Affairs, 1910-6.
O.	= The Fifth Earl of Onslow	... ..	Private Secretary to Sir C. Hardinge, 1904-6, to Sir A. Nicolson, 1906, 1911-13; Assistant Private Secretary to Sir Edward Grey, 1909-10; Clerk in the Foreign Office, 1910-3; Assistant Clerk, 1913-4.
C. W. O.	= Mr. C. W. Orde	... ..	Clerk in the Foreign Office, 1909-20.

P.	= Viscount Palmerston	...	...	Secretary of State for Foreign Affairs, 1830-41; 1846-51; Home Secretary, 1852-3, 1853-5; Prime Minister and First Lord of the Treasury, 1855-8; 1859-65.
P.	= Second Baron Panmure	...	...	Secretary at War, 1846-52; 1855-8.
A. P.	= Mr. A. Parker...	...	...	Clerk in the Foreign Office, 1906-12; Assistant Clerk, 1912-7; Librarian, 1918-9.
R. P.	= Sir R. S. Paget	...	...	Assistant Under-Secretary of State for Foreign Affairs, 1913-5.
R.	= Marquess of Ripon	...	...	Viceroy and Governor-General of India, 1880-4; First Lord of the Admiralty, 1886; Secretary of State for the Colonies, 1892-5; Lord Privy Seal and Leader in the House of Lords, 1905-8.
R.	= The Fifth Earl of Rosebery	...	...	Secretary of State for Foreign Affairs, 1886, 1892, 1894; Prime Minister and Lord President of the Council, March 5, 1894-June 29, 1895.
S.	= The Third Marquis of Salisbury...	...	...	Secretary of State for Foreign Affairs, 1878-80, 1885-6, 1887-92, June 29, 1895-November 12, 1900; Prime Minister, June 29, 1895-July 19, 1902.
S.	= Baron Stanley of Alderley...	...	...	President of the Board of Trade, 1855-8.
G. S. S.	= Mr. G. S. Spicer	...	...	Private Secretary to Sir T. H. (afterwards Lord) Sanderson, 1903-6; and to Sir C. Hardinge, 1906; Assistant Clerk in the Foreign Office, 1906-12; Senior Clerk, 1912-9.
R. S.	= Mr. R. A. C. Sperling	...	...	Clerk in the Foreign Office, 1899-1907; Assistant Clerk, 1907-13; Senior Clerk, 1913-9.
R. V. S.	= Mr. R. Vernon Smith (later Baron Lyveden)	...	...	President of the Board of Control, 1855-8.
W. A. S.	= Mr. W. A. Stewart	...	...	Clerk in the Foreign Office, 1903-15; Assistant Clerk, 1915-20.
W. H. S.	= Mr. W. H. M. Selby	...	...	Clerk in the Foreign Office, 1904-11; Member of Secretariat of the Second Peace Conference at The Hague, 1907; Assistant Private Secretary to Sir Edward Grey, 1911-5.
W. T.	= Mr. W. G. (later Baron) Tyrrell	...	...	Senior Clerk in the Foreign Office, 1907-18; Private Secretary to Sir Edward Grey, 1907-15; Assistant Under-Secretary of State for Foreign Affairs, 1918-25; Permanent Under-Secretary, 1925-8; Ambassador at Paris, 1928-
G. H. V.	= Mr. G. H. Villiers	...	...	Clerk in the Foreign Office, 1903-13; Assistant Clerk, 1913-21.
C. W.	= Sir Charles Wood (later Viscount Halifax)	...	...	First Lord of the Admiralty, 1855-8; Secretary of State for India, 1859-66; Lord Privy Seal, 1870-4.

Minute by Queen Victoria.

(This is attached to the following document.)

Ed. Note. Cabinet Minutes respecting the Declaration of Paris of April 1856, p. 206.

Minutes by King Edward.

(These are attached to the following despatches.)

- | | | | |
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| No. 57. | Sir Edward Grey to Mr. Gaisford ... | ... | No. 73 of November 22, 1909, p. 69. |
| No. 113. | Sir Edward Grey to Count de Salis... | ... | No. 335 of December 4, 1907, p. 138. |
| No. 118. | Sir Edward Grey to Count de Salis... | ... | No. 372 of December 9, 1907, p. 143. |
| No. 124. | Sir A. Nicolson to Sir Edward Grey | ... | No. 262 of December 12, 1907, p. 148. |
| No. 160. | Sir F. Bertie to Sir Edward Grey ... | ... | Private letter of June 1, 1906, p. 190. |
| No. 163. | Sir F. Lascelles to Sir Edward Grey | ... | No. 254 of August 16, 1906, pp. 193-4. |
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| No. 564. | Sir Edward Grey to Sir G. Buchanan | ... | No. 12 of February 15, 1910, p. 661. |

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Chapter LXI.

Mediterranean Problems.

I.—ITALY IN THE MEDITERRANEAN.

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1(e)	<i>Note</i> communicated by Count Károlyi	24 Mar.	Austro-Hungarian concurrence in Anglo-Italian agreement. (<i>Text</i>)	3
1(d)	Lord Salisbury to Count Károlyi	24 Mar	British co-operation with Austria-Hungary in maintaining <i>status quo</i> in Mediterranean. (<i>Text</i>)	3
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CHAPTER LXI.

MEDITERRANEAN PROBLEMS.

I.—ITALY IN THE MEDITERRANEAN.

(a) The Anglo-Italian and Anglo-Austro-Hungarian Agreements of 1887.

[*ED. NOTE.*—Some important indications of the views of Lord Salisbury will be found in the *Letters of Queen Victoria*, 3rd Ser., Ed. G. E. Buckle, Vol. I (1930), pp. 268–73, and 276–92. The first reference here given contains the following passage, which is reproduced because it throws some light on the preliminaries:—

The Marquis of Salisbury to Queen Victoria.

Foreign Office, 5th Feb., 1887. . . . Lord Salisbury has seen Count Corti and Count Hatzfeldt to-day, and has discussed with them further the projected Italian understanding. He has made them understand that this country cannot promise its assistance to any other country till it knows what the *casus belli* is; and that we could not, under any circumstances, take part in an aggressive war against France. On the other hand, England has great interests that neither France nor Russia should increase their domination over the shores either of the Mediterranean, the Aegean, or the Black Sea; and would be disposed to co-operate heartily with Italy for that end.

It seems likely that some informal understanding will be arrived at; but both the Ambassadors understand that we can enter into no formal treaty, and that we can only speak for the existing Ministry with certainty.

The letter of February 10, 1887, printed by Mr. Buckle on p. 272, describes the matter succinctly as follows: "It is as close an alliance as the parliamentary nature of our institutions will permit. Your Majesty's advisers recommend it on the whole as necessary in order to avoid serious danger." Lady Gwendolen Cecil (*Life of Robert Marquis of Salisbury*, Vol. IV (1932), pp. 24–5) prints a letter of Lord Salisbury to Mr. Alfred Austin of March 8, 1887, which adds "I believe that England will fight in company with Austria, Turkey and Italy in case Russia should obtain the Balkan States; and it is well the Czar should know it—though, of course, in a parliamentary State, we can give no specific promises."]

No. 1.

Memorandum on the Anglo-Italian and Anglo-Austrian Agreements of 1887.

F.O. Great Britain and General 847.

Foreign Office, July 1, 1902.

The Agreement with Italy was effected by an exchange of notes dated the 12th February, 1887, between Lord Salisbury, then Secretary of State for Foreign Affairs, and Count Corti, Italian Ambassador in London.

The following is the material portion of Count Corti's note⁽¹⁾:—

No. 1 (a).

Le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté le Roi d'Italie, a reçu de son Gouvernement l'ordre de porter à la connaissance de Son Excellence le Marquis de Salisbury, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les affaires étrangères, ce qui suit :

Le Gouvernement de Sa Majesté le Roi, animé du désir d'établir avec celui de Sa Majesté la Reine de la Grande Bretagne et d'Irlande une entente sur diverses questions concernant leurs intérêts, est d'avis que ce but pourrait être atteint par l'adoption des bases suivantes :

1° On maintiendra, autant que possible, le *statu quo* dans la Méditerranée, ainsi que dans l'Adriatique, la mer Égée et la mer Noire.

(¹) [The full text of the note has been substituted here, and is taken from the original, preserved in the archives of the Foreign Office in the series of Original Treaties (General No. 1).]

On aura, par conséquent, soin de surveiller et, au besoin, d'empêcher tout changement qui, sous la forme d'annexion, occupation, protectorat, ou d'une toute autre manière, quelconque porterait atteinte à la situation actuelle, au détriment des deux Puissances.

II° Si le maintien du *statu quo* devient impossible, on fera en sorte qu'il ne se produise une modification quelconque qu'à la suite d'un accord préalable entre les deux Puissances.

III° L'Italie est toute prête à appuyer l'œuvre de la Grande Bretagne en Égypte. La Grande Bretagne, à son tour, est disposée à appuyer, en cas d'envahissements de la part d'une tierce Puissance, l'action de l'Italie sur tout autre point quelconque du littoral nord d'Afrique, et notamment dans la Tripolitaine et la Cyrénaïque.

IV. En général et pour autant que les circonstances le comporteront, l'Italie et l'Angleterre se promettent appui mutuel dans la Méditerranée pour tout différend qui surgirait entre l'une d'elles et une tierce Puissance.

En exprimant la confiance que ces bases recevront l'assentiment du Gouvernement de Sa Majesté la Reine, le Soussigné saisit cette occasion pour renouveler à Son Excellence le Marquis de Salisbury les assurances de sa plus haute considération.

L. CORTI.

Londres le 12. Février 1887.

Lord Salisbury, in his reply of the same date, confined himself to general expressions of concurrence without specifically accepting the bases proposed by the Italian Government. His note, marked "Secret," was as follows⁽²⁾:—

No. 1 (b).

M. l'Ambassadeur,

Foreign Office, February 12, 1887.

The statement of Italian policy which is contained in Your Excellency's despatch of the 12th inst[ant] has been received by Her Majesty's Government with great satisfaction, as it enables them to reciprocate cordially Count Robilant's friendly sentiments, and to express their own desire to co-operate heartily with the Government of Italy in matters of common interest to the two countries. The character of that co-operation must be decided by them, when the occasion for it arises, according to the circumstances of the case. In the interest of peace, and of the independence of the territories adjacent to the Mediterranean Sea, Her Majesty's Gov[ernmen]t wish to act in the closest concert and agreement with that of Italy. Both Powers desire that the shores of the Euxine, the Ægean and the Adriatic, and the Northern Coast of Africa shall remain in the same hands as now. If, owing to some calamitous event, it becomes impossible to maintain the absolute *status quo*, both Powers desire that there shall be no extension of the domination of any other Great Power over any portion of those coasts.

It will be the earnest desire of Her Majesty's Gov[ernmen]t to give their best co-operation, as herein-before expressed, to the Government of Italy in maintaining these cardinal principles of policy.

It is of some interest to note that Count Corti was immediately afterwards compulsorily retired by M. Crispi, then Italian Prime Minister, his letter of recall being dated the 13th February. His dismissal was conjectured to be due to M. Crispi's discontent at not securing a more positive and explicit engagement.

The Agreement was communicated to the Austro-Hungarian Government, and a second exchange of notes took place on the 24th March following between Lord Salisbury and Count Károlyi, the Austro-Hungarian Ambassador in London.⁽³⁾

Count Károlyi, after expressing the thanks of his Government for the communication of "l'entente intervenue entre le Cabinet Britannique et celui d'Italie

⁽²⁾ [The text here given is that of the draft preserved in the Foreign Office series, Original Treaties (General No. 1).]

⁽³⁾ [An exchange of notes took place on the same day between Count Károlyi and Count Corti with reference to the adhesion of Austria-Hungary to the Anglo-Italian Agreement. Count Corti communicated privately a copy of his note on March 25 and it was kept by the direction of Lord Salisbury with the other papers on the subject. It is now in the same Foreign Office series, Original Treaties (General No. 1). Lord Salisbury minuted it "Like the rest—to be kept quite secret. S." The text is printed for the sake of convenience, *infra*, pp. 6-7, as Annex II to the present Memorandum.]

sur les bases d'une politique commune à suivre dans les questions de la Méditerranée et des mers adjacentes," continued as follows⁽⁴⁾ :—

No. 1 (c).

Monsieur le Marquis,

Belgrave Square, le 24 Mars, 1887.

J'ai l'honneur, d'ordre de mon gouvernement, d'adresser à Votre Excellence la communication suivante :

C'est avec une vive satisfaction que le Cabinet de Vienne a pris connaissance de l'entente intervenue entre le Cabinet Britannique et celui d'Italie sur les bases d'une politique commune à suivre dans les questions de la Méditerranée et des mers adjacentes.

Je suis chargé d'exprimer à Votre Excellence tous les remerciements du Gouvernement Impérial et Royal d'avoir été initié sans perte de temps dans cet accord important et éminemment conservateur.

Animé avant tout du désir de contribuer, autant que possible, au maintien du droit public européen et de la paix, le Gouvernement austro-hongrois est heureux de pouvoir constater que les principes fondamentaux et les buts politiques, qui se trouvent établis par cette entente, sont conformes à ceux qui guident la politique de l'Autriche-Hongrie.

Mû par la conviction que ces buts seraient mieux assurés par notre concours, le Gouvernement de Sa Majesté Impériale et Royale Apostolique est prêt à adhérer aux déclarations d'amitié et d'identité de vues politiques, telles qu'elles sont consignées dans les notes échangées entre Votre Excellence et M. le Comte Corti, sous la date du 12 février dernier.

En prononçant cette adhésion, le Gouvernement austro-hongrois se félicite particulièrement du rapprochement politique entre l'Angleterre et l'Autriche-Hongrie et de la consolidation des rapports réciproques, qui en résultent.

Ces rapports se trouveront par là distinctement placés sur une base commune, visant la poursuite de buts identiques et la défense d'intérêts communs.

Bien que les questions de la Méditerranée, en général, ne touchent pas en première ligne les intérêts de l'Autriche-Hongrie, mon Gouvernement a la conviction que l'Angleterre et l'Autriche-Hongrie ont les mêmes intérêts en ce qui concerne l'ensemble de la question d'Orient, et dès lors le même besoin d'y maintenir, autant que possible, le statu quo, d'empêcher l'extension d'une puissance au détriment des autres, et par conséquent d'agir de concert pour faire valoir ces principes cardinaux de leur politique.

En exprimant la confiance, que ces déclarations recevront l'assentiment cordial du Gouvernement de Sa Majesté la Reine, je saisis, etc.,

KAROLYI.

The following was Lord Salisbury's reply⁽⁵⁾ :—

No. 1 (d).

Monsieur l'Ambassadeur,

Foreign Office, March 24, 1887.

It is a matter of the liveliest satisfaction to Her Majesty's Government that the exchange of views which has passed between England and Italy, and which has been communicated to the Cabinet of Vienna, has met with their approbation, and has been recognized by them as tending to the preservation of European peace and the maintenance of public right.

Her Majesty's Government received with no less gratification the intimation that the Austro-Hungarian Government are prepared to adhere to those declarations of friendship and of identity in political views which are embodied in the communications between England and Italy; and they concur in the relief that the cordial relations, based on a similarity of interests and policy, which have long subsisted between the two countries, will be strengthened and established by the present proceeding.

They are fully convinced that, in respect to the political future of the territories which are washed by the Mediterranean and adjacent seas, the interests of Austria-Hungary are closely related to those of Great Britain and Italy. It is rather, however, with the Euxine and the Ægean than with the western portion of the Mediterranean that the policy of Austria is engaged.

But in respect to the territories bordering on those seas whose political status more specially affects the interests of the Austro-Hungarian Empire, the objects of English and Austrian policy are the same, and the principles which ought to guide it are clearly indicated in the communications to which Count Kálnoky has expressed his willingness to adhere.

Without determining beforehand the character which the co-operation of the two Powers ought in any particular contingency to take, the efforts of Her Majesty's Government, in harmony with those of the Austro-Hungarian Government, will be constantly directed to secure in these

(4) [The omitted paragraphs have been added. The text is again taken from the original in the Foreign Office series, Original Treaties (General No. 1).]

This volume contains also the draft note communicated by Count Károlyi and circulated to the Cabinet on March 17. In the draft there are certain variations from the final text. It is printed *infra*, p. 6, as Annex I to the present Memorandum.]

(5) [The text has been checked by that of the draft preserved in the Foreign Office series, Original Treaties (General No. 1).]

regions the maintenance, so long as it shall be possible, of the status quo, and should that unhappily cease to be possible, the prevention of the growth of any novel domination hostile to the interests of the two countries.

I have, &c.

S[ALISBURY].

On Lord Salisbury's retirement and Lord Rosebery's accession to office in the autumn of 1892, Lord Rosebery had a conversation with Count Hatzfeldt, then German Ambassador, of which Lord Rosebery made the following record:—

No. 1 (e).

Foreign Office, September 5, 1892.

. . . H[is] E[xcellency] the German Ambassador and I then diverged in conversation on the present situation of affairs which he said did not differ very materially from what it was when I left office. I said, however, that Lord Salisbury appeared to have entered into closer relations with Italy than I had felt myself justified in doing. Count Hatzfeldt said that that was true, but, as I was aware, the note given by Lord Salisbury was of the vaguest possible character, but that in the uneasy situation of Italy even such a note was a satisfaction. I replied that I had not seen this communication, but that I was in a position to speak to H[is] E[xcellency] quite frankly on the subject. I thought the Italian Government would be very ill-advised if they asked me for any such communication. In the first place, its value would be very limited, for the circumstances were widely different. There was no comparison between the position of the two Ministers or of the two governments. More than that: I did not think that I could persuade my colleagues to give any such note, and therefore it would only be the expression of my individual opinion. All then I could do was to give my appreciation of the position as it struck me. But I would also say this, that in my opinion the Italian Government were as well off without the document as with it. Such a paper could only derive value, it is clear, from being the expression of the national will and the national interest. However powerful a minister might be, if his words did not represent that, they were of no account at all. My personal view was this, but it must be held to be nothing more, that in the event of France groundlessly attacking Italy, the interests of England as a Mediterranean and Indian power, would bring her naturally to the rescue of Italy, while her sympathy, as having so long and ardently co-operated in the cause of Italian freedom, would lead her in the same direction. That was my personal conviction, but beyond that I could say nothing, and in any case I could not make an authoritative communication, as from the British Cabinet, to the Italian Government. My belief was simply this, that in the eventuality that was dreaded and contemplated, the natural force of things would bring about the defensive co-operation they desired.⁽⁶⁾

A copy of this Memorandum was given to Count Hatzfeldt at his request.

Nothing further passed on the subject during Lord Rosebery's term of office, nor when he was succeeded as Foreign Secretary by Lord Kimberley, nor was any attempt made for a formal renewal of the understanding when Lord Salisbury returned to office in June 1895. At that time, as will be remembered, a strong feeling had been raised against the Sultan by the Armenian massacres and the absence of all efficacious effort on the part of the Porte to repress or punish them.

Some months afterwards, however, in February 1896, Count Deym, the Austro-Hungarian Ambassador, recurred to the subject in a conversation of which Lord Salisbury recorded the proposal in the following despatch to the British Ambassador at Vienna, Sir E. Monson:—

No. 1 (f).

F.O. Austria 1240.

(No. 17.) Secret.

Sir,

Foreign Office, February 4, 1896.

The Austro-Hungarian Ambassador has called upon me twice lately and, in discussing the present position of affairs in the Mediterranean, has pressed me to come to a definite agreement to take action, in case necessity should arise, in place of the vague statements of principle exchanged between the two Governments eight years ago. H[is] E[xcellency] explained that in case of any invasion by Russia of the Turkish dominions his Gov[ernment] desired that Great Britain should undertake to defend Constantinople. Austria-Hungary would on her side undertake to defend Bulgaria: she could not do more without forfeiting her right to German support.

I told Count Deym to-day that in this country it was impossible to take any engagement involving an obligation to go to war; as the power of H[er] M[ajesty's] G[overnment] to do so

⁽⁶⁾ [The Foreign Office volume (Original Treaties (General No. 1)) in which the text of Lord Rosebery's memorandum is preserved contains only the part of the text here reproduced. A correspondence on the subject between Sir P. Currie and Lord Rosebery appears there and is reproduced *infra*, p. 7, as Annexes III and IV to the present Memorandum.]

depended on the political sentiment prevailing at the moment when the necessity arose: and that sentiment it was impossible to foresee. The matter too presented now more difficulties than ever because the feeling here against the Sultan was at present so strong that I doubted very much whether public opinion would sanction a war to defend the Ottoman Empire, whoever the Power attacking it might be. I could not therefore consent to enter into an engagement on behalf of H[er] M[ajesty's] Gov[ernmen]t which I had no certainty of their being able to fulfil. H[is] E[xc]ellency was not, however, to take this as a declaration that Great Britain would not act in defence of the Ottoman Empire against Russian aggression. The decision on that point would depend on the will of the nation at the time, based on the circumstances of the crisis whatever they were: but no British Gov[ernmen]t could venture to pledge themselves beforehand, without running the risk of being forced to be unfaithful to their word.

His Excellency concluded by asking whether we were willing to renew the common declaration of Mediterranean policy to which England and Italy affixed their signatures in 1887. I said that that declaration in no way transgressed the limits to which I had already adverted, and that I was quite willing to renew it.

[I am, &c.]
S[ALISBURY].

A second conversation with the Austro-Hungarian Ambassador was recorded by Lord Salisbury on the 26th of the same month [in a despatch to Sir E. Monson]:—

No. 1 (g).

F.O. Austria 1240.

(No. 24.) Secret.

Sir,

Foreign Office, February 26, 1896.

Count Deym spoke to me again of the apprehensions which the Emperor had expressed to Your Excellency on the subject of English policy in the Mediterranean. I asked what there was in the conduct of H[er] M[ajesty's] Gov[ernmen]t which could possibly have inspired the Emperor with any apprehensions upon this head. His Majesty was perfectly aware, from what had passed several years ago, that no Gov[ernmen]t in this country would ever pledge itself to go to war in some future contingency, of which the exact circumstances could not possibly be foreseen; and beyond a refusal to enter upon a pledge of that kind, I had said nothing which could throw doubt upon the continuity of English policy in the East of the Mediterranean.

His Excellency replied that it was not the conduct of H[er] M[ajesty's] Gov[ernmen]t, but the evidence which the last few months had afforded of a violent change in the current of the public opinion of this country, and the knowledge of the complete dependence of H[er] M[ajesty's] Gov[ernmen]t upon the public opinion of the time in the grave decisions which concerned peace or war, that had led the Austrian Gov[ernmen]t to fear that they could no longer count upon the friendship and sympathy of England in reference to the maintenance of the Turkish Empire. I said that the cruelties which had recently been exercised upon the Christian subjects of his Majesty, without any apparent discouragement on the part of the Turkish Gov[ernmen]t, had no doubt excited feelings of deep horror and indignation in this country. I thought that for some time to come the recollection of what had taken place would prevent the growth of any sympathy for the Sultan's Gov[ernmen]t, or any desire to shield him from any danger by which he might be threatened. But it must not be assumed that this feeling would go so far as to make England indifferent to the fate of his dominions also; or that they would see without concern the control of the Bosphorus and the Dardanelles pass into the hands of Russia. I thought it probable that a sight of any attempt, if ever it were made, to make Russia master of the Straits, so that her fleets could issue from them, and other fleets could not penetrate them, would create a violent revulsion of feeling in England, and as strong a desire for resistance as was aroused by the approach of the Russian armies to Constantinople in 1878. I was more apprehensive of the result upon the safety of Constantinople of the recent conversion of Prince Boris, and the consequent reconciliation between Bulgaria and Russia, than I was of the effect in that direction even of the recent Armenian massacres, and the indignation they had aroused. It was evident that so long as Bulgaria was hostile, any Russian expedition against Constantinople must depend upon the communications with the sea, and be liable to interruption by any Power stronger than Russia upon that element. But if Russia could command an uninterrupted road from the Pruth to the Bosphorus, her communications would be secure, and she would be comparatively indifferent to any dangers that might menace her communications with Sebastopol.

His Excellency admitted the gravity of the events which had taken place at Sofia. But he enlarged much upon the fidelity with which the Emperor of Austria had always adhered to the English alliance even in difficult circumstances. and said that therefore the apprehension of an alteration in the Mediterranean policy of England affected him more than any other change in the political condition of Europe.

[I am, &c.]
S[ALISBURY].

The matter was not pursued farther, and no exchange of written communications renewing or confirming the previous agreement took place either then or afterwards.

The general result of a review of these communications is, I think, to show that the Agreement between Great Britain and Italy in 1887 did not go farther than a confidential declaration of a community of policy in regard to the maintenance of the *status quo*, and the balance of power on the shores of the Mediterranean and adjacent seas, without pledging either country to any particular measures in support of that policy; that this Agreement was not formally confirmed on the changes of Ministry which took place in 1892, 1894, and 1895, but that no indication has been given by either Government of any material change of their intentions and views.⁽⁷⁾

The same may be said of the Agreement between Great Britain and Austria, which is in fact a complement of that between Great Britain and Italy, and closely resembles it.

T. H. SANDERSON.

Foreign Office, July 1, 1902.

ANNEX I.

Draft Note communicated by Count Károlyi and circulated to the Cabinet on March 17, 1887.

J'ai l'honneur, d'ordre de mon Gouvernement, d'adresser à V[otre] E[xcellence] la communication suivante :

C'est avec une bien vive satisfaction que le Cabinet de Vienne a reçu connaissance de la part des Cabinets de St. James' et du Quirinal de l'entente intervenue entre eux sur les bases d'une politique commune, ainsi que du texte des notes échangées à ce sujet entre V[otre] E[xcellence] et le C[om]te Corti.

Je suis chargé d'exprimer tous les remerciements du Gouvernement I[mpéria]l et R[oya]l d'avoir été initié sans perte de temps dans cet accord important et éminemment conservateur.

Animé, avant tout, du désir de contribuer, autant que possible au maintien de la paix, le Gouvernement austro-hongrois est heureux de pouvoir constater que les principes fondamentaux et les buts politiques qui se trouvent consacrés par cette entente sont conformes aux traditions, et aux intérêts de l'Autriche-Hongrie.

Nous désirons non-seulement renforcer, autant qu'il dépend de nous, la cause de la paix et du droit public européen en Orient, mais nous croyons aussi essentiel d'empêcher que dans l'état de possession de la presque île des Balcons et de la Méditerranée aucun déplacement ne puisse s'effectuer qui pourrait être nuisible à nos intérêts et à ceux des puissances amies.

Mû par la conviction que ce but se trouverait plus assuré par notre coopération, le Gouvernement de Sa M[ajesté] I[mpéria]le et R[oya]le Ap[ostoli]que se joint aux déclarations d'amitié et d'identité des vues politiques telles qu'elles sont consignées dans les notes échangées entre l'Angleterre et l'Italie sous la date du 12 Février.

En prononçant cette adhésion, le Gouv[ernemen]t austro-hongrois se félicite particulièrement du rapprochement et de la consolidation qui en découlent pour les rapports réciproques entre l'Angleterre et l'Autriche-Hongrie. Ces rapports, dorénavant se trouveront distinctement placés sur une base commune, destinée à la poursuite des buts identiques et à la défense d'intérêts commune.

Je me permets d'ajouter qu'en effet, comme V[otre] E[xcellence] l'a pressenti, les questions de la Méditerranée en général ne nous touchent pas en première ligne, mais mon Gouvernement se plaît à croire que l'Autriche-Hongrie et l'Angleterre ont le même intérêt concernant l'ensemble de la question orientale, qu'elles éprouvent dès lors le même besoin de maintenir le statu quo en Orient et de s'opposer à l'extension d'une puissance au détriment d'une autre, et qu'elles agiront en conséquence de concert pour faire valoir ces principes cardinaux de leur politique.

En exprimant, &c.

ANNEX II.

Count Corti to Count Karolyi.⁽⁸⁾

Monsieur l'Ambassadeur,

Londres le 24 Mars, 1887.

J'ai eu l'honneur de recevoir la communication de Votre Excellence de ce jour par laquelle elle veut bien me faire connaître que le Gouvernement de Sa Majesté l'Empereur, animé du désir de contribuer au maintien du droit public Européen et de la paix, et estimant que l'entente intervenue entre les Gouvernements d'Italie et d'Angleterre et formulée par les notes échangées le 12 Février dernier entre M[onsieu]r le Marquis de Salisbury et moi, est conforme à la politique de l'Autriche-Hongrie, y faisant adhésion.

⁽⁷⁾ [Some references to this agreement were made by Lord Lansdowne in a memorandum of November 22, 1901, written in connection with the negotiations then in progress for an Anglo-German understanding. For this and other references *v. Gooch & Temperley*, Vol. I, p. 282, Nos. 349-50, p. 284, No. 353, p. 285, No. 355, p. 286, No. 356, p. 291, No. 361, pp. 292-4, No. 364, and Vol. II, pp. 78-9, Nos. 92-3, p. 82, No. 94. *v. also D.D.F., 2^{me} Sér.*, I, pp. 20-3, No. 17, and p. 692, No. 587.]

⁽⁸⁾ [Communicated to Lord Salisbury by Count Corti on March 25.]

Conformément aux ordres que j'ai reçus de mon Gouvernement, j'ai l'honneur d'exprimer à Votre Excellence la sincère satisfaction que le Gouvernement de Sa Majesté le Roi a éprouvé en apprenant que celui de Sa Majesté Impériale et Royale Apostolique était animé de ces dispositions lesquelles ne pouvaient que raffermir toujours plus le[s] relations de bonne amitié existant entre les deux États, et je m'empresse d'accepter au nom du Gouvernement de Sa Majesté le Roi l'adhésion de celui de Sa Majesté l'Empereur à l'entente Italo-Anglaise, ainsi que cette adhésion a été formulée par la communication précitée de Votre Excellence.

Je saisis, &c.

CORTI.

ANNEX III.

Minute by Sir P. Currie.

[Lord Rosebery.]
Private.

F[oreign] O[ffice], Sept[ember] 7, 1892.

Count Hatzfeldt called and I read him your memorandum.⁽⁹⁾ He asked if he might have a copy of it. I suggested that he should repeat the earlier part of the conversation in his own words, but should introduce as 'textually exact' the latter part of your mem[orandum] from "My personal view was this" to the end. This was in accordance with his views, but he took strong exception to the word "groundlessly" as weakening unnecessarily the communication. The Italians would say 'What would English assistance be worth if a long discussion is to take place as to whether the French attack is groundless. By the time it is finished all will be over.' He begs you will omit this word. (I think you might safely do this. The case would seem to arise if the attack came from France whatever the grounds of it may be.)

'After reading the mem[orandum] through 2 or 3 times Count Hatzfeldt said that the great object of the communication was to keep the Italians quiet. He would therefore have wished for a few introductory words which he thought would add to the effect of the communication without committing you further. He suggested the following:

"I cannot make an official communication as Minister at present, because I should have to consult my colleagues before doing so, and they might not agree. I can therefore only give my personal opinion which is that Italy has no cause for alarm because in the event of France (groundlessly) attacking Italy the interests of England, &c."

The words he especially wanted to get in were that 'Italy has no cause for alarm' ('ne doit pas s'inquiéter' was his phrase).

P. C.

Sept[ember] 7.

I said I would send this by messenger to-night and would ask you to telegraph your reply.

ANNEX IV.

Lord Rosebery to Sir P. Currie.

Confidential.

My dear Currie,

*Dalmeny Park, Edinburgh,
Sept[ember] 8, [18]'92.*

I was in Glasgow the best part of to-day and therefore could not write by post.

My answer to your minute is brief.

I maintain the word 'groundlessly' for an obvious reason. My sole part in this conversation has been to express my opinion of what the tendency and sympathy of the people of Great Britain would be in a particular contingency. Should the contemplated collision take place under circumstances which I hardly contemplate as possible but which would be opposed to the word 'groundlessly' my opinion might change.

It is said 'what would English assistance be worth if a long discussion had to take place as to whether the attack was groundless.' In a question of peace or war, I reply, discussion is not long. Great Britain would make up its mind as soon as any other power, and if it did not make up its mind—cedit quaestio, I should be wrong. But I am pretty certain that if Great Britain did not make up its mind at once that the attack was groundless and, more or less, unprovoked, it would be difficult to bring her to the assistance of any continental power, whatever her political interests might really be.

For the first and supreme interest of Great Britain is Peace, and her foreign policy will always be guided by that consideration.

Our friend's words would in no degree further what he wishes, and as all that is given is my personal opinion as to probabilities of the case, and as therefore I cannot go beyond that opinion, I must adhere to my text.

Y[ou]rs Sinc[erely],
R[OSEBERY].

⁽⁹⁾ [*v. supra*, p. 4, No. 1 (e), Memorandum of September 5, 1892.]

[*ED. NOTE.*—The following Memorandum relative to the Tripartite Agreement is of importance. It has considerable bearing on the Mediterranean problem and the British connection with Italy. (v. also Lady Gwendolen Cecil: *Life of Robert Marquis of Salisbury*, Vol. IV, (1932), Chapter III.) There is an important statement by Sir T. H. [Lord] Sanderson in the last paragraph as to the attitude of Lord Rosebery towards the Agreements of 1837 (v. *infra*, p. 13). With reference to this question of the later attitude to the Agreements, the following official explanation given in the House of Commons in 1888 is of some interest. On February 10, 1888, Sir James Fergusson, the Under-Secretary of State for Foreign Affairs, denied that there had been any engagement "pledging the material action of the country," i.e. which "implies military responsibilities." (*Parl. Deb.*, 3rd Ser., Vol. 322, p. 153.) The same assertions were repeated by Sir James Fergusson three years later. (*Parl. Deb.*, 3rd Ser., Vol. 355, pp. 210-1, 435, 546, 781-5. July 2-9, 1891.)]

No. 2.

Memorandum on a Secret Agreement made with Austria-Hungary and Italy in December 1887 with regard to Turkish Affairs.

Secret.
8603.*

In my Memorandum of 1st July, 1902, an account is given of the Agreement made with Italy and Austria-Hungary by means of exchanges of notes, dated, respectively, the 12th February and the 24th March, 1887, with regard to the joint policy of the three Powers in the Mediterranean and adjacent seas.

Those Agreements were followed in December of the same year by a Secret Agreement, also effected by an exchange of notes, containing more definite provisions as to the policy to be pursued by the three Powers in regard to Turkey.

The proposal was, in the first instance, mentioned by Count Bismarck on the 25th October, 1887, to Sir E. Malet (then Her Majesty's Ambassador at Berlin).⁽¹⁾ Count Bismarck handed to Sir E. Malet a copy of the proposed bases which had, he said, been drawn up after a consultation between the British, Austro-Hungarian, and Italian Ambassadors at Constantinople, and had been forwarded by the Austro-Hungarian Ambassador, Baron Calice, to Count Kálnoky, for his consideration. He added that Prince Bismarck, while taking exception to the "rédaction," approved of the meaning and intention of the document, and hoped Lord Salisbury might see his way to accepting it.

Count Bismarck used many arguments in support of it, one of the principal being that it was important to keep Italy "dans la bonne voie," and that this was the first occasion on which an Italian Ministry had been ready to pledge itself to the maintenance of the *status quo* "à l'exclusion de toute politique de compensation."

The Austrian Chargé d'Affaires called on Sir E. Malet later in the day,⁽²⁾ and said that Prince Bismarck had explained to Count Kálnoky that it was impossible for Germany to advance into the first line in regard to Eastern affairs, and that she, therefore, could not become a party to the proposed Agreement, but that it had his hearty concurrence, as he desired the consolidation of the alliance between Austria, Italy, and England. He could moreover solemnly guarantee that in case of hostilities between those Powers and Russia, Germany would prevent France from moving, and that of course if Austrian territory should be threatened, the engagements between Germany and Austria at present existing held good.

The proposed bases of Agreement were as follows:—

No. 2 (a).

Bases d'un Accord à Trois.

Secret.

1. Maintien de la paix à l'exclusion de toute politique d'agression.

(1) [The text of Sir E. Malet's despatch describing the interview is given *infra*, pp. 14-5, as Annex I to the present document. This text and those of the other Annexes have been taken from the Foreign Office series, Original Treaties (General No. 1). No original can be found for the proposed bases (No. 2 (a) above) which Sir E. Malet stated that he enclosed (*infra*, p. 14). With regard to the suggested reading of "Détroits" for "droits" in item 4, *cp.* p. 10, No. 2 (c), p. 12, No. 2 (e), p. 13, No. 2 (f).]

(2) [v. Sir E. Malet's despatch printed *infra*, p. 15, as Annex II.]

2. Maintien du *statu quo* en Orient, fondé sur les Traités, à l'exclusion de toute politique de compensations.

3. Maintien des autonomies locales établies par ces mêmes Traités. !

4. Indépendance de la Turquie, gardienne d'intérêts Européens importants (indépendance du Chalifat, liberté des droits, [? Détroits] etc.), de toute influence étrangère prépondérante.

5. Par conséquent, la Porte ne peut ni céder ni déléguer ses droits suzerains sur la Bulgarie à une autre Puissance, ni intervenir pour y établir une administration étrangère, ni tolérer des actes de coercition, entrepris dans ce dernier but, sous forme soit d'occupation militaire, soit d'envoi de volontaires, ce qui constituerait, non seulement une infraction au *statu quo* légal, mais serait attentoire aux intérêts des trois Puissances.

6. Désir de ces dernières de s'associer la Turquie pour la défense commune de ces principes.

7. Dans le cas de résistance de la Porte aux entreprises illégales susindiquées, les trois Puissances se concerteront aussitôt sur l'appui à lui donner.

8. Dans le cas, cependant, où la Porte serait en connivence avec une entreprise illégale du genre indiqué, ou bien, dans le cas où elle n'y opposerait pas une résistance sérieuse, les trois Puissances se concerteront dans le but d'occuper provisoirement, par leurs forces de terre ou de mer, certains points du territoire Ottoman, afin de rétablir l'équilibre politique et militaire nécessaire pour la sauvegarde des principes et des intérêts susmentionnés.

A despatch from Count Kálnoky to Baron Biegeleben, Austro-Hungarian Chargé d'Affaires in London, dated the 25th October, 1887, was, shortly afterwards, communicated by the latter to Lord Salisbury. This despatch formally recommended the bases, which were stated to have been drawn up by Baron Calice after consultation with his British and Italian colleagues. It contained the following passage:—⁽³⁾

No. 2 (b).

Secret Despatch from Count Kálnoky to Baron von Biegeleben, October 25, 1887.

(Communicated to the Marquis of Salisbury by Baron von Biegeleben, October 28, 1887.)

Les Déclarations échangées au mois de mars du c[ouran]te entre les Cabinets d'Autriche-Hongrie et ceux de la Grande Bretagne et d'Italie ont établi une parfaite identité de vues politiques sous le rapport du maintien de la paix et du droit public en général; elles ont en plus établi, que leur politique poursuivait les mêmes buts dans la Méditerranée surtout Orientale et les mers et pays avoisinants et que l'Autriche-Hongrie et l'Angleterre ainsi que l'Italie réuniront leurs efforts pour maintenir le *status quo* dans ces régions et pour y empêcher l'établissement d'une nouvelle domination hostile aux intérêts de ces trois Puissances.

Les effets satisfaisants de cette entente si heureusement établie se sont aussitôt manifestés par le parfait accord qui a marqué depuis ce temps l'attitude de ces Cabinets et l'action de leurs Ambassadeurs à Constantinople.

En présence cependant des efforts peu scrupuleux que la Russie appuyée par la France ne cesse de faire pour gagner sur le Sultan et sur son Gouvernement une influence exclusive et dominante, les trois Cabinets ont dû se convaincre que malgré leur union ils n'avaient pas réussi à exercer une impression suffisamment forte pour empêcher le Sultan de se prêter aux conseils peu désintéressés qui lui parviennent de S[ain]-Pétersbourg.

Tant que l'on n'aura pas à Constantinople des preuves suffisantes que la solidarité des trois Puissances est à toute épreuve et si fermement établie que celles-ci seraient prêtes à passer des paroles à l'action s'il le faut, le Sultan sceptique et craintif continuera à balancer entre la Russie à laquelle il obéit par peur, et notre groupe qui lui sert de contrepoids, quand la pression russe devient par trop vive.

Lord Salisbury connaît parfaitement la situation et j'ose croire qu'il la juge de même que moi. Nous nous trouvons devant l'alternative, ou bien de fortifier notre position à Constantinople par une attitude nette et énergique basée sur une entente plus étroite entre les trois Puissances—ou bien d'exposer notre groupe à perdre de plus en plus de son influence et de son autorité, au détriment des intérêts si importants qu'il est appelé à défendre. J'ai la conviction que même le maintien de la paix générale, que nous désirons en première ligne, dépendra principalement de la fermeté et de la solidarité de l'attitude des trois Puissances auxquelles l'appui de l'Allemagne est plus assuré que jamais.

Or, partant de ce point de vue, et croyant que les trois Cabinets, dont l'identité de vue et de politique est établie, pourront facilement s'entendre sur une action commune et prévoyant les éventualités qui pourraient surgir, si la Turquie reste abandonnée à la politique envahissante de la Russie, j'ai chargé notre Ambassadeur à Constantinople qui n'a pas manqué de consulter ses deux collègues de résumer les points principaux pouvant servir de base à un accord à trois, tel qu'il répondrait aux exigences de la situation.

⁽³⁾ [The full text of the despatch has been substituted here. The text is taken from the original copy preserved in the Foreign Office series, Original Treaties (General No. 1). The text of a second despatch from Count Kálnoky to Baron von Biegeleben communicated to Lord Salisbury on the same day is printed *infra*, pp. 15-6, as Annex III to the present memorandum.]

En communiquant ce travail du Baron Calice à Lord Salisbury, vous voudrez bien faire ressortir que je n'en ai pas changé la forme, quelque peu primitive, cette pièce n'étant destinée qu'à formuler les points cardinaux sur lesquels il faudrait préalablement s'entendre en principe, pour s'occuper ensuite de la forme à donner à un pareil accord et de la rédaction.

Quant au Cabinet Imp[éri]al et Royal, il est prêt à accepter les huit points en question et à souscrire à tout engagement, conçu dans l'esprit de ces bases, dans la forme qui conviendrait le mieux au Cabinet britannique. Je puis ajouter que l'adhésion entière du Cabinet italien nous est acquise.

Le huitième point des "bases," prévoyant le cas d'une action matérielle qui toutefois ne serait pas guerre, est d'une importance et d'une portée incontestables. Nous croyons cependant qu'il est devenu indispensable de s'entendre d'avance sur l'éventualité d'une pareille action que les Puissances seraient décidées à mettre en œuvre, si la persuasion restait sans effet sur le Sultan et qu'il fallait avoir recours à l'intimidation.

Il est à prévoir en effet que toutes les déclarations des trois Puissances en faveur du maintien de l'indépendance de la Turquie et même l'assurance d'un appui matériel n'auront pour résultat que de rassurer le Sultan sur nos intentions, mais ne le décideront nullement à se prononcer ouvertement en faveur de notre politique et à résister aux entreprises russes, à moins que ces assurances ne se trouvent doublées de menaces aptes à lui inspirer des craintes sérieuses.

En communiquant confidentiellement à Lord Salisbury la présente dépêche dont vous êtes autorisé à lui laisser copie vous voudrez bien, Monsieur le Baron, recommander les propositions qui y sont contenues à la plus sérieuse attention de Sa Seigneurie et la prier de me faire connaître, aussitôt que possible, l'opinion qu'il en aura conçue.

Je connais parfaitement les difficultés très sérieuses, que tout Cabinet britannique a à surmonter quand il s'agit d'engager sa politique en vue d'une action éventuelle, mais je ne doute pas que les énormes intérêts politiques qui sont en jeu pour le présent et pour l'avenir, que l'importance de tirer parti des avantages de la situation et de l'accord parfait qui règne entre les trois Puissances—accord auquel l'Allemagne prête son puissant appui—décideront Lord Salisbury, resté fidèle aux grandes traditions de la politique anglaise en Orient, à rechercher les moyens de vaincre ces difficultés et de rendre possible par la co-opération indispensable de l'Angleterre une action politique qui seule pourrait arrêter les dangers qui menacent sérieusement la paix et nos intérêts vitaux de nous tous en Orient.

Recevez, etc.

Baron Biegeleben communicated subsequently some observations on the bases, of which the following are the most important⁽⁴⁾ :—

No. 2 (c).

Remarques concernant les Bases d'un Accord à Trois. (Communicated to the Marquis of Salisbury by Baron von Biegeleben, October [28,] 1887.)

Ad 2.—La clause "à l'exclusion de toute politique de compensations," quoique n'étant qu'une conséquence de l'Article 2, ne paraît pas superflue, attendu que l'Italie craint en premier lieu ce qu'elle appelle une politique de compensation en faveur de l'Autriche-Hongrie.

Ad 3.—L'Article 3 est, comme les Articles précédents, en accord avec le programme commun aux trois Gouvernements.

Ad 4.—L'Article 4 énonce un principe fondamental conforme à l'esprit des Traités, principe au maintien duquel l'Europe entière et l'Angleterre en premier lieu est intéressée. Il est probable que l'opinion publique en Angleterre ne s'échauffera guère à propos de l'intégrité de l'Empire Ottoman, mais l'éventualité d'une alliance entre la Turquie et la Russie, la dépendance du Chalifat de cette dernière, enfin la possibilité de voir passer les Détroits entre les mains des Russes, sont des dangers dont le peuple Anglais devra être gravement ému.

Ad 5.—Si les Russes parviennent à s'établir de nouveau solidement en Bulgarie, ce fait même devra mener tôt ou tard à la chute de Constantinople. En tout cas, l'établissement des Russes dans la Principauté augmenterait-il incessamment la pression que la Russie exerce déjà aujourd'hui sur les décisions du Sultan et lui ferait gagner une influence exclusive à Constantinople.

Ad 6 et 7.—On ne saurait s'attendre à ce que, dans l'état actuel des choses, la Porte oppose une résistance énergique aux actes de violence que la Russie pourrait entreprendre. Dans le cas, cependant, que le Sultan se décidât à y résister, il ne serait que juste, et dans l'intérêt même des trois Puissances, de venir à son secours. Mais comme il est tout aussi probable que, vis-à-vis d'un acte de violence de la Russie, la Turquie gardera une attitude passive qui pourra même se changer en connivence, comme, d'autre part, il serait difficile pour le Gouvernement Anglais de s'engager, sans que la Turquie y prenne part, et comme, enfin, il est dans l'intérêt de tous d'éviter la guerre aussi longtemps que possible, il a fallu songer à un expédient qui

(4) [The full text has again been substituted and is taken from the copy preserved in the Foreign Office series, Original Treaties (General No. 1).]

permette de réaliser les buts des trois Puissances, sans, toutefois, susciter un conflit direct avec la Russie.

Nous sommes d'avis qu'une Convention dans le sens projeté, Convention dont on ne saurait nier l'opportunité au point de vue pratique, servirait, d'une part, à donner à la Turquie au moins une force de résistance morale qui paraît lui manquer complètement aujourd'hui, calmerait, d'autre part, la Russie elle-même, et la retiendrait de procédés illégaux qu'elle pourrait avoir en vue.

Dans le cas que ce résultat ne fût pas obtenu par la Convention seule, nous croyons que l'occupation de certaines parties de la Péninsule du Balkan, occupation appuyée par une escadre qui paraîtrait simultanément devant les Dardanelles, mettrait un frein à l'action de la Russie, et tirerait la Turquie de sa léthargie en l'encourageant à une résistance énergique.

Une telle occupation provisoire opérée par les forces des trois Puissances, et qui serait entreprise non pas dans l'intention d'une action offensive contre la Russie, mais simplement dans le but de rétablir l'équilibre politique et militaire actuellement altéré, pourrait, le cas échéant, et si la nécessité nous y force, servir à préparer la co-opération active des quatre Puissances dans l'éventualité d'un conflit avec la Russie.

Sir A. Paget, in a "Very Secret" despatch of the 22nd October, 1887, reported that Count Kálnoky had discussed the proposal with him, and explained his reasons for advocating it.⁽⁵⁾

Lord Salisbury on the 25th November addressed a telegram to Her Majesty's Representatives at Vienna and Rome, which they were instructed to communicate to the Austro-Hungarian and Italian Ministers for Foreign Affairs⁽⁶⁾:—

No. 2 (d).

State to Foreign Minister, at the Court to which you are accredited, in reply to the 8 bases:—

That Her Majesty's Government are fully in accord with the policy described in Nos. 1, 2, 3, and 4, and have nothing to add to those Articles.

With respect to No. 5, they observe that the independent guardianship of the Straits is to the Mediterranean Powers the most important of all the rights secured to the Sultan by the Treaties; that cession or delegation of the Porte's rights in Bulgaria is chiefly dangerous, because it threatens the independence of the Straits from the western side; but that their independence would be equally threatened from the eastern side by a cession or delegation of the rights of the Porte in Asia Minor. Her Majesty's Government, therefore, think that the proposed understanding should apply equally to Bulgaria and Asia Minor.

With respect to the 6th and 7th Articles, Her Majesty's Government observe that Great Britain is already bound by Treaties, in concert with her allies, to defend the integrity and independence of Turkey. Her Majesty's Government, therefore, learn with much satisfaction that Austria and Italy are anxious to direct their own policy to the same end. In the case, therefore, of the resistance of the Porte to the illegal enterprises indicated in Article 5 in Bulgaria or Asia Minor, Her Majesty's Government would concert with Austria and Italy on the mode in which effect is to be given to that obligation.

As to the 8th Article, Her Majesty's Government reply that, if, in the judgment of the three Powers, the conduct of the Porte should amount to complicity with any such illegal enterprise, or to connivance at it, Her Majesty's Government will concur in considering that existing Treaties justify the three Powers in undertaking such joint or separate occupation of Ottoman territory as they shall agree in thinking necessary for the purpose of securing the objects set forth in the preceding Articles.

Her Majesty's Government are also of opinion that any such understanding should include a promise not to disclose the existence of it to Turkey, or any Power to whom it is not already known, until the consent of all three Powers to such disclosure has been given.

You may give a copy of the substance of this telegram to Signor Crispi, if he wishes it, altering it enough to protect the cypher.⁽⁷⁾

The Agreement was concluded on the 12th December by an exchange of notes between Lord Salisbury and the Austro-Hungarian and Italian Ambassadors.

(5) [The text of this despatch is printed *infra*, pp. 16-7, as Annex IV to the Memorandum.]

(6) [The text has been checked with the copy (of the telegram to Rome) printed for the use of the Cabinet on the day of despatch and preserved (unnumbered and marked "Private and Most Secret") in the Foreign Office series, Original Treaties (General No. 1).]

(7) [This last sentence was omitted in the Memorandum.]

The French and English texts are as follows:—

No. 2 (e).

Note received from the Austro-Hungarian Ambassador and (mutatis mutandis) from the Italian Ambassador.

A la suite de l'entente établie entre les Gouvernements de Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de leurs Majestés, la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande et le Roi d'Italie, par l'échange de notes opéré à Londres le mois de Mars 1887, le Gouvernement de Sa Majesté Impériale et Royale Apostolique est tombé d'accord avec le Gouvernement d'Italie de proposer au Gouvernement de la Grande Bretagne l'adoption des points suivants, destinés à confirmer les principes établis par l'échange de notes précité et à préciser l'attitude commune des trois Puissances en prévision des éventualités qui pourraient se produire en Orient :

- 1° Maintien de la paix et exclusion de toute politique agressive.
- 2° Maintien du status quo en Orient fondé sur les traités, à l'exclusion de toute politique de compensations.
- 3° Maintien des autonomies locales établies par ces mêmes traités.
- 4° Indépendance de la Turquie, gardienne d'intérêts européens importants (indépendance du Chalifat, liberté des détroits &c.), de toute influence étrangère prépondérante.
- 5° Par conséquent la Turquie ne peut ni céder ni déléguer ses droits suzerains sur la Bulgarie à une autre puissance, ni intervenir pour y établir une administration étrangère, ni tolérer des actes de coercition entrepris dans ce dernier but, sous forme soit d'occupation militaire soit d'envoi de volontaires. De même la Turquie, constituée par les traités gardienne des Détroits, ne pourrait non plus céder aucune portion de ses droits souverains, ni déléguer ses pouvoirs à une autre Puissance en Asie Mineure.
- 6° Désir des trois Puissances de s'associer la Turquie pour la défense commune de ces principes.

7° En cas de résistance de la Turquie à des entreprises illégales telles qu'elles se trouvent indiquées dans l'Article 5, les trois Puissances se mettront aussitôt d'accord sur les mesures à prendre pour faire respecter l'indépendance de l'Empire Ottoman et l'intégrité de son territoire telles qu'elles sont consacrées par les traités antérieurs.

8° Si cependant la conduite de la Porte, de l'avis des trois Puissances, prenait le caractère de complicité ou de connivence avec une pareille entreprise illégale, les trois Puissances se considéreront comme justifiées par les traités existants à procéder soit conjointement soit séparément à l'occupation provisoire par leurs forces de terre ou de mer de tels points du territoire Ottoman qu'elles reconnaîtront d'accord nécessaire d'occuper à l'effet d'assurer les buts déterminés par les traités antérieurs.

9° L'existence et le contenu du présent accord entre les trois Puissances ne devront être révélés à la Turquie ni à d'autres Puissances qui n'en auraient pas déjà été informées, sans le consentement antérieur de toutes et de chacune des trois Puissances susdites.

Le Soussigné Ambassadeur Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Impériale et Royale Apostolique a été chargé par son Gouvernement de signer la présente note et de l'échanger contre une note analogue du Gouvernement de Sa Majesté Britannique.

Le Soussigné profite de cette occasion pour renouveler, &c.

KÁROLYI.

Londres, le 12 Décembre, 1887.⁽⁸⁾

No. 2 (f).

Reply addressed by the Marquis of Salisbury to the Austro-Hungarian and Italian Ambassadors.

Most Secret.

Her Majesty's Government have considered the points commended to their acceptance by the identic note of the Austro-Hungarian and Italian Governments.

The three Powers have already communicated to each other their conviction that it is their common interest to uphold the existing state of things upon the shores of the Mediterranean and the adjoining seas. The four first points recited in the note are in strict conformity with this understanding, as well as with the policy which has always been pursued by the Government of Great Britain.

The fifth, sixth, and seventh points refer to certain special dangers by which the state of things established by Treaties, and the interests of the three Powers in the East, may be menaced, and to the course which should be pursued if those dangers should arise. The illegal enterprises anticipated by the fifth Article would affect, especially, the preservation of the Straits from the domination of any other Power but Turkey, and the independent liberties of the Christian communities on the northern border of the Turkish Empire, established by

⁽⁸⁾ [The original of this note and of the similar Italian one (signed "T. Catalani") is preserved in the series of Original Treaties (General No. 1).]

the Treaty of Berlin. Her Majesty's Government recognize that the protection of the Straits and the liberties of these communities are objects of supreme importance, and are to Europe among the most valuable results of the Treaty; and they cordially concur with the Austro-Hungarian and Italian Governments in taking special precautions to secure them.

The eighth point provides against a contingency which, without technical illegality, may frustrate the object of the Treaties altogether. It is necessary, however, to avoid a premature publicity which might precipitate the lapse of Turkey into that state of vassalage from which it is the aim of the three Powers to protect her.

In view of these considerations, the Undersigned, Her Majesty's Sec[retar]y of State for F[oreign] A[ffairs], etc: is charged by Her Majesty's Government to communicate to the Austro-Hungarian and Italian Governments their entire adhesion to the nine points recited in the identic note of the two Powers, that is to say:—

1. The maintenance of peace, to the exclusion of all policy of aggression.
2. The maintenance of the *status quo* in the East based on the Treaties, to the exclusion of all policy of compensation.
3. The maintenance of the local autonomies established by those same Treaties.
4. The independence of Turkey, as guardian of important European interests; the Caliphate, the freedom of the Straits, &c., to be independent of all foreign preponderating influence.
5. Consequently, Turkey can neither cede nor delegate her rights over Bulgaria to any other Power, nor intervene in order to establish a foreign Administration there, nor tolerate acts of coercion undertaken with this latter object, under the form either of a military occupation or of the dispatch of volunteers. Neither will Turkey, who has by the Treaties been constituted guardian of the Straits, be able to cede any portion of her sovereign rights, nor delegate her authority to any other Power in Asia Minor.
6. The desire of the three Powers to be associated with Turkey for the common defence of these principles.
7. In case of Turkey resisting any illegal enterprises such as are indicated in Article V, the three Powers will immediately come to an agreement as to the measures to be taken for causing to be respected the independence of the Ottoman Empire and the integrity of its territory as secured by previous Treaties.
8. Should the conduct of the Porte, however, in the opinion of the three Powers, assume the character of complicity with or connivance at any such illegal enterprise, the three Powers will consider themselves justified by existing Treaties in proceeding either jointly or separately to the provisional occupation by their forces, military or naval, of such points of Ottoman territory as they may agree to consider it necessary to occupy in order to secure the objects determined by previous Treaties.
9. The existence and the contents of the present Agreement between the three Powers shall not be revealed either to Turkey or to any other Powers who have not yet been informed of it without the previous consent of all and each of the three Powers aforesaid.

[The Undersigned, &c.]

SALISBURY.

F[oreign] O[ffice], Dec[ember] 12, [18]87.⁽⁹⁾

The Agreement has always been kept strictly secret. It has never been put on official record in the Department, but has been kept by the Permanent Under-Secretary of State.

As Lord Rosebery refused to look at any of the Agreements of 1887, when he assumed office in 1892, and they have never been renewed since his resignation, they cannot be now considered as having any binding force.⁽¹⁰⁾ Moreover, when approached on the subject by the Austro-Hungarian Ambassador in February 1896, and again in January 1897, Lord Salisbury declined to pledge the British Government to any material action in support of the Sultan or of the Rule of the Straits, on the ground of the alteration of circumstances and the change in British public opinion. On the former of these occasions he expressed his willingness to renew the general declaration of policy made in March 1887, but Count Deym did not take up the offer.

T. H. SANDERSON.

January 22, 1903.

⁽⁹⁾ [The text has been checked with the copy printed for the use of the Cabinet on December 9, 1887, preserved in the series of Original Treaties (General No. 1).]

⁽¹⁰⁾ [*cp. infra*, p. 32, No. 17, *min.*]

ANNEX I.

Sir E. Malet to the Marquis of Salisbury.

Private and Secret.

Dear Lord Salisbury,

Berlin, October 25, 1887.

Count Bismarck has spoken to me to-day on a subject which he has requested me to convey to you privately with every safeguard of secrecy.

It is a proposition for a tripartite Agreement between England, Austria and Italy in reference to Turkey. I enclose herewith a copy of the bases of this proposed Agreement.⁽¹⁾

Count Bismarck began by saying that when he saw your Lordship in London he had talked over the Eastern question with you, and that he thought that the general drift of your views leaned towards a thorough understanding with Austria in the first place, and Italy if it would join, but that you had made allusion to the sluggishness of Baron Calice, and that recently you had not been quite satisfied with Signor Crispi's apparent pre-disposition to lean more on national aspirations than on Treaties in dealing with the Bulgarian question. The point which preoccupied the Chancellor was to work upon the Sultan in such a way as to detach him from subservience to Russia. He had consequently urged Count Kálnoky to wake up Baron Calice. He had used a moderating influence on Signor Crispi, who had impressed him very favourably, and your Lordship had instructed Sir W. White to emphasize the accord which existed between the three Powers.

The result had been that the three Ambassadors had consulted together at Constantinople and had drawn up between them the document inclosed, and it was settled that it should be forwarded by Baron Calice to Count Kálnoky for his consideration.

Count Kálnoky has approved of it, and had forwarded it to the Chancellor with the expression of hope that he would use his influence to induce your Lordship to accept it also, adding that he had already assured himself that Signor Crispi would agree to it.

Prince Bismarck, while taking exception to the *rédaction* (the style is bad and hardly French), approved of the meaning and intention of the document, and desired Count Bismarck to recommend it to your Lordship's most careful consideration, in the hope that you might see your way to accepting it.

Count Bismarck gave many arguments in support of it. The one which he urged with the greatest warmth was that it was most important to keep Signor Crispi at this moment "dans la bonne voie"; that it was the first time that an Italian Minister had announced his readiness to aid in maintaining the *status quo* without regard to compensation. (The second basis is, "maintien du *statu quo* en Orient fondé sur les Traités à l'exclusion de toute politique de compensations"). The eyes of Italian statesmen had always hitherto been fixed on Albania. The present proposal offered a unique opportunity which might never occur again. Count Bismarck earnestly hoped that you would seize it, would strike while the iron was hot, and by becoming a party to the Agreement, would bind both Italy and Austria to an engagement which was the one thing wanting to regain the confidence of the Sultan and to give him courage to resist Russia's advances in whatever form they might come, cajolment or menace.

He spoke about Russia. He said that at present its Government was chaotic. The Emperor was his own Prime Minister, he fostered jealousies between his own Ministers; M. de Giers was an honest Minister, with moderate and peaceable views, but he had no power, and nothing pleased his colleagues more than thwarting him. The other day he had sent an article for publication to a newspaper, and it had been returned to him by the Minister for the Interior with a request that he would mind his own business, as the newspapers were not under his Department.

But the time might come when the Emperor might recognise that he was impotent to satisfy the Pan-Slavic aspirations without coming to an agreement with Austria. The bait would be very tempting. The present Emperor was an honest man, but those who knew the Crown Prince Rodolphe [*sic*] did not feel the same confidence with regard to him. In 1878 Austria had nearly joined Russia; the Archduke Albrecht had worked strongly in favour of doing so, but the Hungarians prevented it. Would not the proposed Agreement avert such a future danger? Your Lordship had thought that Count Kálnoky was not disposed to enter into any definite engagements, and was somewhat inclined to keep a free hand. The present proposal would dissipate this view.

Count Bismarck said he well understood the difficulties which an English Minister had to encounter in making political engagements so as to have a lasting effect, but he contended that the object of the proposed Agreement would commend itself as well to a Liberal as to a Conservative Government, and that, if the worst came to the worst, it only bound the three Powers to concert together as to the support to be given to Turkey. The proposal was also at present, as it were, only in an embryo state; it could be modified to suit you. He only hoped that you would not reject it *en bloc*, and in saying this he again urged the susceptibilities of the Italians and their aspirations, and the great advantage that it would be to nail Signor Crispi to a renouncement of compensations, which might only be a passing inclination.

(1) [*v. supra*, pp. 8-9, No. 2 (a).]

Count Bismarck concluded by saying that he should not send any instructions on the subject through Baron Plessen. He preferred laying the matter before your Lordship solely through me, his object being to keep it as secret as possible. He thought that you might like to speak to Count Corti about it, but that it would be useless to talk to Counts Károlyi or Biegeleben, as they were both deaf. He had wished to see me on Saturday in time for our messenger, but had been detained at Potsdam. He would, therefore, send a messenger to-night to London, who could take my letter, and I accordingly send it that way.

Believe me, &c.

EDWARD B. MALET.

ANNEX II.

Sir E. Malet to the Marquis of Salisbury.

Dear Lord Salisbury,

Berlin, October 25, 1887.

Since I concluded my previous letter Herr von Eissenstein, the Austrian Chargé d'Affaires, has been to see me. Count Bismarck had told him that I had been requested to read to you the bases of Agreement, and had suggested to him to come and speak to me on the subject.

Herr von Eissenstein mentioned one important point on which Count Bismarck had been silent. He said that the Chancellor in replying to Count Kálnoky had said that it was impossible for Germany to advance into the first line in regard to Eastern affairs and she therefore could not become a party to the proposed Agreement, but that it had his hearty concurrence, as he desired strongly the consolidation of the alliance between Austria, Italy and England. He would, moreover, solemnly guarantee that in case of hostilities arising between those Powers and Russia, Germany would prevent France from moving, so that there was nothing to be feared in that direction, and also that, of course, if Austrian territory should be threatened, the engagements between Germany and Austria at present existing held good.

Herr von Eissenstein said that Count Kálnoky attached the greatest importance to your Lordship's concurrence in the Agreement, because he felt that, without it, Austria and Italy alone would not be strong enough either to intimidate Russia or to inspire the Sultan with the necessary confidence, at the same time Herr von Eissenstein assured me that Count Kálnoky's aims were purely pacific, that he regarded war with Russia as a calamity, whatever its result might be, so that there need be no fear that he was trying to entangle us in a policy which might become an aggressive one.

Believe me, &c.

EDWARD B. MALET.

ANNEX III.

Count Kálnoky to Baron von Biegeleben.

(Communicated to the Marquis of Salisbury, October 28, 1887.)

Secret.

M. le Baron,

Vienne, le 25 Octobre, 1887.

Je crois devoir accompagner les dépêches que vous recevez par le présent courrier de quelques réflexions très confidentielles que vous êtes autorisé à porter à la connaissance de Lord Salisbury.

En envisageant la situation politique telle qu'elle se présente aujourd'hui je ne puis m'empêcher de la trouver très favorable pour les buts politiques que nous poursuivons, pourvu que nous sachions en tirer parti. Il y a quelques semaines j'hésitai à formuler les propositions que vous êtes chargé aujourd'hui de soumettre à Lord Salisbury, parce qu'en présence de l'attitude contradictoire de l'Allemagne à l'égard de la position que nous avons prise dans la question Bulgare, une action à Constantinople ne semblait offrir que peu de chances de succès.

Cependant, connaissant les motifs très suffisants qui déterminaient le Cabinet Allemand à prêter son appui aux propositions Russes, j'étais convaincu que le jour était proche où le Prince de Bismarck se laissera de la tâche ingrate qu'il s'était imposé, et qu'il finira par se placer ouvertement de notre côté et en face de la Russie. Ce moment est heureusement arrivé, et l'irritation du Chancelier, qui désire faire sentir à la Russe la valeur de son hostilité, est un atout très important dans notre partie. Un autre point favorable c'est l'indécision qui semble régner en Russie. La politique Russe se trouve, grâce à l'Empereur Alexandre, embourbée à ce point en Bulgarie que personne à l'heure qu'il est ne voit une issue. D'un autre côté, l'idée d'une alliance Franco-Russe poussée par les Panславistes, ne promettant pas de se réaliser de sitôt et les relations avec les autres Puissances étant peu cordiales, le sentiment de l'isolement se fait sentir à Saint-Pétersbourg, où l'on cache assez mal ce malaise par le langage chauvin et violent de la presse nationale.

Pendant l'absence de l'Empereur rien ne se fait et aucune décision sérieuse ne sera prise pour le moment. C'est sans doute sur l'attitude des autres Puissances y inclus l'Allemagne que sera réglé le prochain mouvement de la politique Russe. L'Empereur ne veut absolument pas entendre parler de guerre et malgré toutes les violences de langage du parti d'action Russe,

plus les Puissances se montreront résolues et unies pour défendre la paix, plus les vellétés de guerre disparaîtront en Russie.

Il faudra donc tirer parti des avantages de la situation, profiter de l'irritation du Prince de Bismarck, pour le fixer de plus en plus à nos côtés, saisir le moment où le prestige de la France est en souffrance par les scandaleux incidents de la ville et où la Russie est hésitante et isolée. Le Sultan qui possède beaucoup de finesse politique ne manquera pas de s'apercevoir tantôt du changement qui s'est opéré dans la situation et il en acceptera les conséquences, si nous entrons en scène unis et résolus d'agir s'il le faut.

Voilà pour les chances en notre faveur. D'un autre côté, nous ne devons pas nous cacher la gravité du moment, si la Russie, aidée par la France, réussit à gagner la partie à Constantinople.

L'Autriche-Hongrie, tout en étant fermement décidée à défendre ses intérêts vitaux contre l'envahissement Russe, serait incapable de se charger de la défense de Constantinople et des Détroits, ou même de lutter seule contre l'influence dominante de la Russie une fois qu'elle aura pris solidement pied à Constantinople.

L'alliance avec l'Italie n'y changerait rien si l'Angleterre, avec son prestige et sa flotte puissante, nous fait défaut.

Si, par la pression de l'opinion publique ou par d'autres motifs, l'Angleterre se résignait à livrer la Turquie à son sort, l'Autriche-Hongrie devrait consulter ses intérêts avant tout et régler son attitude en conséquence. Si alors en y concentrant tous nos efforts nous parvenions à exclure l'influence Russe des Balkans, proprement dit, des pays sur nos frontières jusqu'à la Mer Egée et l'Adriatique, nous pourrions à la rigueur considérer le résultat comme suffisant pour nos intérêts vitaux.

Cette position serait même assez forte pour nous désintéresser des questions du Pont-Euxin et des Détroits qui deviendrait avec Constantinople une proie facile pour la Russie. N'ayant pas d'autre choix, nous serions forcés de nous accommoder d'une pareille situation, sans cependant nous faire d'illusion, qu'alors la domination Russe en Orient serait établie à tout jamais.

L'Angleterre se ressentirait la première des conséquences qu'aurait nécessairement une pareille catastrophe qui, j'en suis certain, peut être évitée à peu de frais par une politique préventive et énergique, tant que la Russie ne possède pas de flotte dans l'Euxin et se trouve sans allié et en hostilité plus ou moins ouverte avec presque tous les États de l'Europe.

Sans nous exagérer l'importance de l'alliance Italienne, elle offre de grands avantages pour une action dans la Méditerranée, et M. Crispien ne laisse rien à désirer sous le rapport de la décision et de son zèle politique.

Je ne doute pas que l'appui empressé et le langage du Prince de Bismarck prouveront à Lord Salisbury que le revirement qui s'est opéré de son côté est profond et sérieux et que sa Seigneurie contribuera du sien à raffermir le Chancelier dans cette voie.

Recevez, &c.

KALNOKY.

ANNEX IV.

Sir A. Paget to the Marquis of Salisbury.

(No. 368.) Secret,
My Lord,

Vienna, D. October 22, 1887.

R. October 28, 1887.

I called this afternoon by appointment on Count Kalnoky who then entered into the details of a plan which, as Your Lordship is aware, His Excellency has long been contemplating, for a combined action on the part of the Governments of Austria, England and Italy with the view of preventing the Sultan from giving himself up entirely into the hands of Russia in the event of any severe pressure being put upon him by that Power.

His Excellency, as I believe Your Lordship is also aware, has been in communication with Baron Calice on this subject, and the project which is now about to be submitted to Your Lordship is founded in great measure upon the reports of this Ambassador, parts of which Count Kalnoky read to me.

It would appear from these reports that the Sultan has already some inkling of the probability of a step on the part of the three Powers which would place him in the position of having to choose between them and Russia, and that His Imperial Majesty is debating in his own mind whether the support which he might possibly receive from the three Powers, even countenanced by Germany, would be equal to the assistance which he might be able to count upon were he to confide his future destinies to Russia, backed up by France.

A circumstance which has greatly added to the perplexities of the Sultan is said to be the ambiguous attitude of Germany, who until quite a recent period, has, though urging the Sultan to rely upon Austria, England and Italy, given a kind of moral support to the proposals of Russia in regard to Bulgaria, the mission of General Ernroth etc.; and although the language of the German Ambassador at Constantinople since his return from leave of absence has been very much more decided than it ever was in favour of the policy of the three allied Powers, the Sultan, according to Baron Calice, is by no means as yet convinced that Germany is really on their side.

At all events it is the opinion of Baron Calice, in which Count Kalnoky coincides, that in order to attain the object in view it will not be sufficient simply to tell the Sultan that in certain given circumstances he may count upon the material support of the Powers in resisting Russian demands, and that therefore in order to produce the proper impression upon the Sultan's mind it will be necessary to go a step further and to make His Imperial Majesty understand that he has something to fear from the three Powers should he disregard their advice, as well as to hope in the event of his following it.

For this reason a Clause has been inserted in the Draft Project according to which, in the event of the Sultan either conniving at the designs of Russia or being an openly willing party to them, a warning would be addressed to him by the three Powers that they, for the protection of their own interests, would occupy other portions of his territory.

The outline of this project which I have given Your Lordship in my Telegram just sent⁽¹²⁾ has no pretension to be a complete account of the paper itself. Count Kalnoky was indeed anxious, as I have stated in the Telegram, that it should reach Your Lordship direct from himself through the Austrian Chargé d'Affaires who will likewise also be in a position to furnish all the necessary explanations connected with the subject.

I am therefore absolved from the duty of entering into any further details respecting it.

I will only add that Count Kalnoky again expressed his conviction to-day that the present was a particularly favourable moment for taking the action proposed, in great measure because of the existing temper of Germany towards Russia and also because, although Russia may at the present moment appear pacifically inclined, he has evidently no reliance upon its duration, and he is anxious to secure the Sultan while there is yet time.

The Emperor made a remark to me in the same sense last night at the Court dinner: "La Russie a l'air très-pacifique à présent mais qui peut répondre de combien cela durera, et il faut être préparé à tout"; and these words came more forcibly home to me when I read this morning, in the Confidential Print, the reply made by Count Herbert Bismarck to an enquiry by Mr. Scott as to whether His Excellency believed that Russia was contemplating at present an ultimatum or any serious threat to Turkey, and reported in Mr. Scott's Despatch No. 375 very confidential of the 8th instant,⁽¹²⁾ namely "not just now. The Czar is enjoying his holiday at Copenhagen and not likely to take any decisive action at present, but no one can tell what may happen later on, say in two months time from now."

It would appear therefore that there is a general agreement in opinion amongst those in a position to be best informed that the pacific attitude of Russia is not to be relied upon.

I ought to mention that Baron Calice in one of his reports which Count Kalnoky read to me, states his belief that the Sultan is less preoccupied as to what the Russians may do in Bulgaria than as to their intentions in Asia Minor.

I have, &c.

A. PAGET.

(12) [Not reproduced.]

[*ED. NOTE.*—The Anglo-Italian Agreement of February 12, 1887, was followed on May 4, 1887, by an Italo-Spanish Agreement, the text of which is printed in *Pribram*, Vol. I, pp. 116–23. The Agreement was communicated to Germany and Austria-Hungary by Italy and both acceded to it. Communication was also made secretly to Lord Salisbury on June 13, 1887. No reply from Lord Salisbury can be found in the Foreign Office archives. In a memorandum upon the subject by Mr. A. H. Oakes, dated April 18, 1891, it is stated that "no action appears to have been taken upon it, further than that it was circulated to the Cabinet, and a copy of it sent to the Queen."

The Italo-Spanish Agreement was made for four years, and early in 1891 the question of its renewal was raised. On this occasion a reservation was desired by Spain which would extend the terms of the Agreement to cover the territory of Santa Cruz de Mar Pequeña and other additional territory claimed by Spain under the Treaty of Wad-ras, signed at Tetuan on April 26, 1860. Before assenting to this, the Italian Government asked the concurrence of Great Britain. Lord Salisbury's reply was as follows:—

The Marquis of Salisbury to Count Tornielli.

M. l'Ambassadeur,

Foreign Office, April 21, 1891.

With reference to the communication which your Excellency made to me on the 17th instant in regard to the intended renewal of the Treaty of 1887 between Italy and Spain for the maintenance of the *status quo* in the Mediterranean, I have the honour to inform your Excellency that Her Majesty's Government are ready to concur in the policy of the proposed renewal, and do not find in the reservation suggested by the Spanish Government any ground for qualifying that concurrence.

I take advantage of this opportunity to express a hope that the action of the Italian Government in consenting to this clause in the new Treaty will not be looked upon as

countenancing the slightest departure from the principles laid down in the collective note addressed to the Moorish Government by the Representatives of Great Britain, Italy and Spain on the 12th March, 1887, with regard to the maintenance of the independence and territorial integrity of the Moorish Empire.⁽¹⁾

I have, &c.
SALISBURY.

The renewed Italo-Spanish Agreement was signed on May 4, 1891, and an exchange of notes embodying the Spanish reservation. The text is given in *Pribram*, Vol. I, pp. 142-6.

Communication was made formally to Austria-Hungary and Germany on May 4, and both acceded again. The text of the Austro-Hungarian note is in *Pribram*, Vol. I, pp. 146-8. The German note was in identic terms and of the same date (May 4). Communication to Lord Salisbury was again made secretly by the Italian Ambassador, Count Tornielli (on May 23), and Lord Salisbury's acknowledgment was as follows:—

The Marquis of Salisbury to Count Tornielli.

Secret.

M. l'Ambassadeur,

Foreign Office, June 2, 1891.

I have the honour to acknowledge your Excellency's letter of the 23rd ultimo enclosing a copy of the Secret protocol, signed at Madrid on the 4th ultimo, prolonging for a period of 4 years the agreement concluded in 1887 between Italy and Spain, together with copies of the notes exchanged between the signatories respecting the reservation with regard to Morocco made by the Spanish Secretary of State, and also of the notes relative to the adhesion of the German and Austro-Hungarian Gov[ernmen]ts to the Agreement.

I have to request that Y[our] E[xcellency] will convey to your Gov[ernmen]t the cordial thanks of H[is] M[ajesty's] G[overnmen]t for the communication of these important documents, and their satisfaction at the statement contained in Y[our] E[xcellency]'s letter that, in the opinion of the Italian Gov[ernmen]t, the reservation made at the desire of the Duke de Tetuan does not imply the slightest deviation from the principles, laid down in the collective note of M[ar]ch 12/87, with regard to the independence and territorial integrity of Morocco.⁽¹⁾

S[ALISBURY].

The Agreement was again made for four years. It was not renewed in 1895. Conversations took place at Rome in June and July 1895 between the two countries, and a verbal declaration was made by the Spanish Ambassador on October 29. Copies of the relevant papers were given to Lord Salisbury by Count Tornielli on October 31, 1895, from which it appeared that Italy had been dissatisfied with the attitude of Spain during the period of the Agreement and was therefore unwilling for renewal. According to a comment in a memorandum by Sir T. H. [Lord] Sanderson written on July 16, 1902,⁽²⁾ "Lord Salisbury thought them [i.e., the papers] to be of too vague a character to require any comment or reply."

⁽¹⁾ [The text has been taken from a copy preserved in the Foreign Office series of Original Treaties (General No. 1).]

⁽²⁾ [The earlier part of this memorandum is printed *infra*, pp. 25-6, No. 10.]

(b) Correspondence respecting an Anglo-Italian and Franco-Italian Agreement as to the Future of Tripoli.

No. 3.

Consul-General Jago to the Marquess of Lansdowne.

F.O. Tripoli 91.

(No. 9.)

Tripoli, North Africa, D. December 7, 1901.

My Lord,

R. December 14, 1901.

I have the honour to transmit to your Lordship the copy of a despatch which I have this day addressed to His Majesty's Ambassador at the Porte reporting on present political affairs in Tripoli.⁽¹⁾

I have, &c.

THOS. S. JAGO.

⁽¹⁾ [There are some references to British policy in Tripoli in *Gooch & Temperley*, Vol. I. pp. 288-91, Nos. 359-62, and Vol. II, p. 82, No. 94.]

Enclosure in No. 3.

Consul-General Jago to Sir N. O'Connor.

(No. 31.) Confidential.

Sir, *Tripoli, North Africa, December 7, 1901.*

It may be interesting to Your Excellency to know that I have been recently approached by the leader of the Turkish liberal party here, an official of the highest judicial standing, an exile from Constantinople, and one who during his ten years' residence here has suffered much for his out-spoken liberal opinions, having been four years since summarily deprived of his high office and banished without trial to the Fezzan from whence, through family influence, he has been pardoned and restored to employment.

His object was to express to me the strong desire of his party, both here and elsewhere, that should Tripoli fall to any European Power that Power should be England.

Recent differences between France and Turkey have fostered the belief that Tripoli will soon fall either to France or Italy, and that the continuance of the present régime at Constantinople will accelerate rather than defer such a contingency. I may mention that the Turkish liberal party here is composed of the large majority of the Civil and Military officials of the Vilayet, high and low, some of whom are political exiles, and that no Ottoman Turkish Colony exists here outside of official circles.

During the last ten years numbers of these exiles have been sent here from Constantinople, some for imprisonment, some for small government appointments.

After detention in prison for some time, liberty under surveillance has been accorded to the former, some of whom, aided by funds from outside, have escaped to European capitals, a very few of them ultimately returning to Constantinople to be appointed to posts of emolument there. The rest remain here hoping to receive pardon and leave to return to Constantinople through family influence, and living on their small seldom-paid salaries, supplemented by remittances from their families when possible. Besides older men, chiefly military, we have here about forty-five young exiles from Constantinople, chiefly undergraduates of good family from the government colleges at the capital, some of whom fill petty posts in the government offices, and, through family influence, in the Régies and Public Debt administrations.

Having been on very friendly terms with my informant, and being most unwilling to raise in the slightest degree hopes that, I believe, would be falsified, I gave him as my personal opinion only, that England would never be induced to accept the task he proposed even if offered, and that too for many reasons, not the least of which are economic. I reminded him that the province is deprived by nature of a single harbour of refuge between Tunis and the Gulf of Bomba and Tobruk; that for centuries past insufficient rainfall has prevented it from raising sufficient breadstuffs for its own consumption; that its hinterland has practically ceased to exist, and that any European government desirous of possessing Tripoli would have to spend enormous sums on occupation and for maintenance for long years to come, without the slightest hope of any return.

No liberal, or, indeed, any other party exists among the native population, whose total lack of education, incentive or encouragement to progress, and of knowledge of the outer world; precludes them from having other aims than those of eking out a precarious existence, and of evading on the one side the exactions of the tax-gatherer, and on the other the tyranny and rapacity of their Sheiks. At the present moment their attention is absorbed by the contemplated increase of taxation and the application for the first time in history of military conscription, the latter the most dreaded of the two, and which are to take effect next March. Despite espionage numerous telegrams are being sent through Tunis to the Sultan, the Palace, and the Porte, protesting against the abolition of their privileges, and demanding to know the fiat of the Sultan, promising to obey it whatever it may be.

Last week 1,500 Arabs from the outlying villages attempted to enter the town unarmed, but their way was barred by troops, and after a collision which resulted in six Arabs being killed and two soldiers wounded they returned to their homes. Imprisonment, flogging, deportation, and banishment of those who refuse to sign their acquiescence in, and gratitude to the Sultan for, the abolition of their privileges, still continue.

The Arab leaders openly reproach the Vali to his face for conduct which they assert, will conduce to foreign intervention, and lead besides to wholesale migration of the population into Tunisia. Efforts have been made by the Arabs to interest the British, French, and Italian Consulates in their behalf but with no success except, I believe, the last which has consented to forward their petition to its Government.

Should the threat to migrate into Tunis to escape taxation and conscription be a serious one, it will doubtless considerably embarrass the Tunisian Authorities, who have so far, I believe, been able to do little to subject their frontier tribes, including the Wurgkurama, to these measures.

I have, &c.
THOS. S. JAGO.

No. 4.

Lord Currie to the Marquess of Lansdowne.

F.O. Tripoli 94.

(No. 2.) Confidential.

Rome, D. January 1, 1902.

My Lord,

R. January 6, 1902.

Signor Prinetti spoke to me yesterday respecting the understanding between France and Italy with regard to Tripoli.

It was, he said, exactly in the terms stated in his speech, a report of which was inclosed in my Despatch No. 202 of the 16th ultimo.⁽¹⁾ France had stated, with reference to the line of the Anglo-French agreement of 1899, that she considered that line the Eastern limit of her African possessions, especially as regards the Vilayet of Tripoli, and that she did not intend to intercept the caravan roads from Tripoli to the Interior.

The French Ambassador had, moreover, given him friendly assurances respecting Italian interests in the Mediterranean.

Monsieur Prinetti said that the possession of Tripoli would be of great value to Italy and would afford the only possible outlet for emigration under Italian rule. He did not know whether it would be possible to make an arrangement with Turkey. He did not at present contemplate any attempt to obtain possession of Tripoli by force; but his own idea, which, however, was not yet matured, would be an occupation of the country on the same terms as England held Egypt or Cyprus. The Sultan's sovereign rights would be maintained and the Administration would be Italian.

I said that in my private opinion no objection would be raised by England to such an arrangement if other Powers concurred; but, from my experience of the Sultan, great difficulty would be caused by his fear of losing prestige with his Mussulman subjects by allowing any of them to pass under Christian rule.

Monsieur Prinetti said that it had been painful to him to notice that England was the only European country where the statement in his speech had not been dealt with in a friendly spirit. I denied this, but he declared that the remarks in the "Times" were very sarcastic and that he could not imagine why it was so.

I have, &c.

CURRIE.

⁽¹⁾ [Not reproduced. It contains an extract from the *Popolo Romano* of December 15, 1901.]

No. 5.

Lord Currie to the Marquess of Lansdowne.

F.O. Tripoli 94.

(No. 4.) Confidential.

Rome, D. January 2, 1902.

My Lord,

R. January 8, 1902.

With reference to my despatch No. 2 Confidential of the 1st instant,⁽¹⁾ I have the honour to point out that the sense of the declaration stated by Monsieur Prinetti to have been made to the Italian Government by France in regard to Tripoli appears to agree generally with that of the declaration which the English and French Governments were asked by Count Canevaro to embody in a note, as recorded in my telegram No. 62 of the 12 April 1899.⁽²⁾ The reasons for which Her Majesty's Government declined to make this declaration are given in Lord Salisbury's despatch No. 78 of the 13 May 1899.⁽³⁾

Those reasons appear to lose much of their force now that France has taken the lead in making the declaration desired by the Italian Government.

I have, &c.

CURRIE.

⁽¹⁾ [v. immediately preceding document.]⁽²⁾ [Not reproduced. *cp. Gooch & Temperley*, Vol. I, pp. 204-5, No. 249, and *encl.*]⁽³⁾ [Printed in *Gooch & Temperley*, Vol. I, pp. 206-7, No. 252. See also pp. 203-6, Nos. 246-51, for other documents upon these negotiations.]

No. 6.

Lord Currie to the Marquess of Lansdowne.

F.O. Tripoli 94.

(No. 3 A.)

Rome, D. January 4, 1902.

My Lord,

R. January 7, 1902.

The newspapers, here as elsewhere, are full of the so-called Franco-Italian agreement respecting the Mediterranean. Few of them have time to notice that matters were exactly in the same position as they are now when the Marquis Visconti Venosta brought in the Budget of the Ministry for Foreign Affairs on the 19th December, 1900 (see my despatch No. 197 of the 19th December 1900).⁽¹⁾ His Excellency then, after speaking of Austro-Italian relations in connection with Albania, said: "As regards Tripoli, I have never hesitated to declare that the maintenance of existing conditions there and the respect of its territory imply for Italy an unquestionable interest of which we could not abandon the protection. But I add, moreover, that we consider this interest to be assured by declarations, quite recently confirmed, and by sufficient guarantees."

The only new feature that has come to light is the inclusion of Morocco in the agreement which appears this morning from a report by Monsieur Ugo Ojetti, correspondent in Paris of the *Giornale d'Italia* of Rome, of a conversation with Monsieur Delcassé.

According to this report, His Excellency said:—"The smallest agreement, however platonic, is in politics a bilateral contract, a *do ut des*, and as in geography every country has an east and a west a north and a south, as your dearest interests were to the east of our Colonies and ours to the west, it was easy to establish with Italy the balance of our interests in all the northern coast of the Mediterranean."

"As far as Morocco?" asked the reporter. "Precisely, as far as Morocco. Spain knows very well that we should never permit any Power in the world to occupy it entirely, and that the *status quo* is for the moment our most ardent desire. Why should not Italy come to an understanding with us on this point?"

⁽¹⁾ [Not reproduced, as the relative part is cited above.]

The identity of Monsieur Prinetti's agreement with that of Monsieur Visconti Venosta appears from a communiqué in the Press of which a copy was enclosed in my despatch No. 209 of the 26th ultimo⁽²⁾ and which stated that Monsieur Prinetti in his speech in the Chamber of the 14th ult[im]o, forwarded to Your Lordship in my despatch No. 202 of the 16th ultimo,⁽²⁾ "did not speak of agreements or of conventions recently concluded between France and Italy in regard to Tripoli. He spoke on the contrary of explanations made between the French and Italian Ministers for Foreign Affairs at the time of Marquis Visconti-Venosta, to whom the French Government gave assurances of their disinterestedness."

I have, &c.

CURRIE.

(²) [Not reproduced, as their tenour is indicated above.]

No. 7.

Sir E. Monson to the Marquess of Lansdowne.

F.O. Tripoli 94.

(No. 4.)

My Lord,

Paris, D. January 5, 1902.

R. January 6, 1902.

I have the honour to inclose an extract from the "Temps" of to-day's date, giving the substance of an interview with M. Delcassé, published recently by the "Giornale d'Italia."⁽¹⁾

His Excellency is reported to have conversed, with a freedom certainly rather unusual to him, on the relations between Italy and France, and incidentally on those between each of these countries and Great Britain. His references to Anglo-French politics are very friendly in tone; and as to Great Britain and Italy, he remarked that they were such close friends that he supposed England to have been defending Italy's interests when negotiating the Anglo-French Arrangement of 1899 as to Africa, and was amazed to find that the Italian Government was not perfectly satisfied with the result.

I have, &c.

EDMUND MONSON.

(¹) [Not reproduced. It was printed in *Le Temps* of January 5, 1902. A formal *démenti* was issued in *Le Temps* of the 12th in reference to the remarks attributed to M. Delcassé dealing with Italy's rôle in the Balkans.]

No. 8.

The Marquess of Lansdowne to Sir F. Plunkett.

F.O. Tripoli 94.

(No. 7.)

Sir,

Foreign Office, January 7, 1902.

The Austro-Hungarian Amb[assado]r asked me to-day whether I had received any further information with regard to the understanding said to have been arrived at between France and Italy on the subject of the Anglo-French Agreement of 1899.

I told H[is] E[xc]ellency that we gathered from the information received by us that the only definite assurances given by the French to the Italian Gov[ernmen]t were to the effect that the French Gov[ernmen]t regarded the line laid down by the Agreement as a limit which France had no intention of crossing and that France would do nothing to intercept the caravan routes leading from Tripoli into Central Africa.

I confessed that I did not see anything in these assurances to justify the extraordinary amount of excitement which they had apparently created. It was to

be borne in mind that the line laid down under the Agreement of 1899 started to the south of the Province of Tripoli and apparently intercepted a very small portion of that province. We had ourselves informed the Italian Gov[ernmen]t in 1899 that we regarded the line in question as indicating the limit beyond which we had no intention of increasing our dominion or influence to the westward.⁽¹⁾

H[is] E[xc]ellency asked me whether we had received any confirmation of the report that, in consideration of the concessions supposed to have been made to her by France, Italy had agreed to give France a free hand in Morocco.

I replied that I had seen a press report of an "interview" given by M. Delcassé to the rep[resentati]ve of an Italian newspaper⁽²⁾ in which M. Delcassé was made to say that the understanding between France and Italy had some reference to the policy of the two Powers in Morocco but that I was quite unable to say whether this report had any foundation. It appeared to me however very natural it should have been assumed that if France had made concessions to Italy she must have obtained a *quid pro quo* at some point on the shores of the Mediterranean, and that that point was perhaps to be found in Morocco.

H[is] E[xc]ellency asked me whether it was not the case that there was an understanding between Great Britain and Italy under which, in the event of a disturbance of the *status quo* in those regions, Italy was to be given the reversion of Tripoli. I told H[is] E[xc]ellency that no such understanding existed, that Lord Salisbury had, on the contrary, been careful to explain to the Italian Gov[ernmen]t in 1899 that we were not prepared to discuss the future destination of a country whose ownership was at the moment not in question, and that he had declined to place upon the Agreement any other construction than that which I had just placed upon it:—namely that it was to be interpreted in a purely negative sense as placing a limit upon the advance of France and Great Britain respectively to the eastward and to the westward.

I am, &c.

L[ANS]DOWNE].

(¹) [*v. Gooch & Temperley*, Vol. I, pp. 206-7, No. 252.]

(²) [*v. supra*, pp. 21-2, Nos. 6 and 7.]

[ED. NOTE.—For Italy's approach to France, *cp. Gooch & Temperley*, Vol. II, p. 82, No. 94; *v. also ib.*, Vol. I, p. 291, No. 361. The above is substantially correct. An exchange of letters between France and Italy on these lines took place on December 14, 1900. It was supplemented by a still more important declaration by Italy on June 4, 1902, that "in the renewal of the Triple Alliance there is nothing directly or indirectly aggressive towards France." (*cp. D.D.F.*, 2^{me} Sér., II, p. 338, No. 377.) This was followed by a secret exchange of letters as to neutrality from which the following clauses may be quoted:

"Au cas où la France serait l'objet d'une agression directe ou indirecte de la part d'une ou de plusieurs puissances, l'Italie gardera une stricte neutralité.

Il en sera de même au cas où la France, par suite d'une provocation directe se trouverait réduite à prendre, pour la défense de son honneur ou de sa sécurité, l'initiative d'une déclaration de guerre. Dans cette éventualité, le Gouvernement de la République devra communiquer préalablement son intention au Gouvernement royal, mis ainsi à même de constater qu'il s'agit bien d'un cas de provocation directe.

Pour rester fidèle à l'esprit d'amitié qui a inspiré les présentes déclarations, je suis autorisé, en outre, à vous confirmer qu'il n'existe de la part de l'Italie, et qu'il ne sera conclu par elle aucun protocole ou disposition militaire d'ordre contractuel international qui serait en désaccord avec les présentes déclarations."—Letter of Signor Prinetti, Nov. 1, 1902. (*v. Pribram*, Vol. II, p. 250.)

M. Barrère, who was one of the negotiators, gives a full account, printed in *Pribram*, Vol. II, pp. 230-41. All the relevant documents are printed there from the French *Livre Jaune. Les accords franco-italiens de 1900-1902* (Paris, 1920). *v. also D.D.F.*, 2^{me} Sér., I and II. The *table méthodique* gives references in each case.]

[*ED. NOTE.*—The following memorandum referring to the position in Abyssinia is inserted here because it has some bearing upon the relations of the Powers concerned in the Mediterranean agreements, and throws some light upon the position of those Powers in North Africa.]

No. 9.

Memorandum on the position of England, France, and Italy in Abyssinia.

8630.

Foreign Office, December 11, 1905.

The desirability of some definite understanding between the Powers chiefly interested in Abyssinia first arose in connection with the question of the succession to the throne of King Menelek, Signor Martini, the Italian Governor of Erythraea, discussed the question of the possible candidates to the throne with Colonel Harrington, with a view to an understanding as to the candidate which England and Italy should support, and, if necessary, impose.

Colonel Harrington considered it desirable, in the first place, that there should be no appearance of foreign intervention in the internal affairs of Abyssinia. He pointed out that on the death of King Menelek the country would probably return to the old state of internal disintegration and civil war until one of the rival candidates to the throne made himself supreme by force of arms. The Abyssinians should, however, be left to settle the question of the succession by themselves as far as possible, although, if foreign intervention became necessary, some negative understanding between England, France, and Italy, providing for common action, would be desirable.

The Italian Government made a proposal for reciprocal guarantees in view of any possible changes in Ethiopia, and especially in view of a disputed succession to the throne, which His Majesty's Government were prepared to agree to.

Colonel Harrington and Sir R. Rodd thereupon consulted with Signor Agnesa, of the Italian Ministry for Foreign Affairs, at Rome, and, as a result of their labours, a form of agreement was drawn up and recommended to the consideration of His Majesty's Government.

His Majesty's Government were averse to disposing of the questions raised behind the backs of the French Government, and the French Ambassador was accordingly informed that negotiations were in progress.

Lord Lansdowne put forward some fresh suggestions as a basis of negotiation, comprising the maintenance of the *status quo*, co-operation in applications for concessions, Italian good-will for the settlement of the southern frontier, abstention from interference in the internal affairs, and co-operation in the event of any disintegration.

In June a Memorandum founded on these suggestions for a basis of negotiation was communicated by the Italian Ambassador.

The outlines of this Agreement were made known to the French Government in October 1904, and M. Delcassé agreed that the three Powers should take counsel together should troubles ever arise in Abyssinia.

The Agreement stated that the Italian Government desired a territorial communication between Erythraea and Italian Somaliland, but the French Government expressed their apprehension that this would encroach on the French possessions in the neighbourhood of Jibuti. M. Delcassé stated that if the country were divided up into spheres of influence, and if His Majesty's Government claimed the territory within the watershed of the Nile, France would claim the reversion of all that did not come within that watershed (including the town of Adis Abeba itself), leaving no room for the territory claimed by Italy.

Lord Lansdowne thereupon proposed that any reference to spheres of influence should be avoided, and the three Powers content themselves with a declaration that they desired to maintain the independence of Abyssinia, and that, should that independence prove, unfortunately, impossible to maintain, they would take counsel together with a view to arriving at an understanding for the protection of their special interests, which should be defined in the Agreement.

This proposal was favourably received by the French Government.

The terms of the Anglo-Italian Agreement were communicated officially to the French Embassy on the 16th February, and M. Delcassé replied by submitting a counter-draft for a tripartite Agreement between the three Powers concerned. This counter-draft contained proposals for the settlement of the Ethiopian railway question, at the same time defining the future policy of the three Powers in Abyssinia.

His Majesty's Government took exception to any reference to the Convention of 1902⁽¹⁾ between the French Government and the Railway Company, to the terms of which King Menelek strongly

(1) [v. *B.F.S.P.*, Vol. 95, pp. 840-7.]

Sir R. Rodd,
No. 192,
Confidential,
September 10,
1902.

Colonel Har-
rington, No. 25,
Confidential,
December 15,
1902.

Sir R. Rodd,
No. 181,
Confidential,
September 6,
1903,
To Sir F. Bertie,
No. 213,
October 8, 1903.
Sir F. Bertie,
Nos. 254 and 262,
Confidential,
December 16
and 19, 1903.

To Sir F. Bertie,
Nos. 79 and 86,
May 4 and 18,
1904.

To Sir F. Bertie,
No. 62, Africa,
April 20, 1904.

Signor Pansa,
June 6, 1904.

To Sir E.
Monson,
No. 553,
October 26, 1904.

To Mr. de
Bunsen, No. 19,
January 4, 1905.

M. Cambon,
January 9, 1905.

To M. Cambon,
January 13,
1905.

To Sir F. Bertie,
No. 43,
January 18,
1905.

M. Cambon,
March 15, 1905.

To Sir F. Bertie,
No. 272,
May 5, 1905.

objected, and the Italian Government desired to see their territorial communication between Italian Somaliland and Erythrea assured. His Majesty's Government were also of opinion that any Agreement as to the railway should be submitted to King Menelek before signature.

To Sir E. Rgerton, No. 63, April 17, 1905.
To Sir J. Harrington, No. 12, Telegraphic, October 13, 1905.

Two fresh drafts were accordingly submitted by the French Government, but these proving still unacceptable, a third was communicated on the 18th November, M. Cambon explaining that his Government were anxious for an early settlement "for Parliamentary reasons," and because they heard that if settlement was much longer delayed the demand for internationalizing the railway would be made, in which case Germany would insist upon being represented.

M. Cambon, May 23 and June 15, 1905.

After some discussion, and with a few alterations, this draft was accepted by His Majesty's Government, and Lord Lansdowne told the French Ambassador that he was prepared to initial the draft if the Italian Government agreed, and subject to the reservation that King Menelek was to be consulted, and that His Majesty's Government should have an opportunity of considering any suggestions His Majesty might wish to put forward as to the railway question.

To Sir F. Bertie, No. 729, November 22, 1905.

The following is a summary of the principal provisions of the Agreement:—

To Sir F. Bertie, No. 780, December 1, 1905.

1. The three Powers concerned will maintain the integrity of the Ethiopian Empire.
2. The interests of the three countries in the event of disintegration are defined.
3. The second section of the Jibuti railway from Diré Daoua to Adis Abeba is to be constructed by the Ethiopian Railway Company, or any other private Company, under the auspices of the French Government, on condition that the subjects and commerce of the three Powers receive equal treatment over the whole line and at the port of Jibuti.
4. All railway construction west of Adis Abeba is to be under British auspices.

Annexed to the Agreement are two draft Conventions between the French Government and the Ethiopian Railway Company, and between Menelek and the Company respectively. These settle the financial and technical conditions on which the second section of the railway to Adis Abeba is to be constructed. The most objectionable features of the 1902 Convention have been omitted, and the arrangement does not, on the whole, appear unfair to King Menelek's legitimate interests.⁽²⁾

⁽²⁾ [The Agreement was signed in London on December 13, 1906. *v. B.F.S.P.*, Vol. 99, pp. 486-9.]

(c) Italy and the Triple Alliance.

[*ED. NOTE.*—A memorandum by Sir T. H. [Lord] Sanderson written on July 16, 1902, summarises the information then available in the Foreign Office as to "the Triple Alliance and other subsidiary Agreements." The section relating to the Triple Alliance is reproduced below. It is followed by a number of documents which, though rather miscellaneous in character, illustrate generally opinion in reference to Italy and the Triple Alliance between the years 1906-8. Some documents illustrating the opinion of the intervening years, 1902-6, are given in *Gooch & Temperley*, Vol. I, pp. 280-92 *passim*, and *ib.* Vol. III, pp. 336-7, No. 400.]

No. 10.

Memorandum on the Triple Alliance and other subsidiary Agreements.

The Triple Alliance.

7750.

Foreign Office, July 16, 1902.

In the autumn of 1879, in consequence, as Prince Bismarck afterwards explained, of the threatening attitude of Russia, a defensive Alliance was concluded between Austria-Hungary and Germany. The Treaty was signed at Vienna on the 7th October, 1879, and was eventually published in the Berlin "Official Gazette" of the 3rd February, 1888, in order to put an end to doubts as to its purely defensive character.*

The provisions of the Treaty were as follows:—

If either of the two Empires were to be attacked by Russia, the two were bound to come to the assistance one of the other with their whole war strength, and only to conclude peace together and upon mutual agreement.

If either of the High Contracting Parties were attacked by another Power, the other High Contracting Party was bound to observe at least a benevolent neutral attitude towards its fellow High Contracting Party. But should Russia support the attacking Power by active co-operation or military measures, the obligation for mutual assistance between the High Contracting Parties would come into force as previously stipulated.

The Treaty was to be kept secret, and only to be communicated to any third Power by mutual agreement. The High Contracting Parties expressed their hope that after the sentiments

* The text will be found in State Papers [*B.F.S.P.*], Vol. LXXIII, p. 270. [The full text is given in *Pribram*, Vol. I, pp. 24-31.]

expressed by the Emperor of Russia at the meeting at Alexandrovo, the armaments of Russia would not in reality prove to be menacing to them, but should this hope prove erroneous they would consider it their loyal obligation to let the Emperor Alexander know, at least confidentially, that they must consider an attack on either of them as directed against both.

It would seem that in 1882 Italy made overtures at Berlin for admission to the Alliance which was known to exist between Austria-Hungary and Germany, that the Italian Government were told that they must obtain the consent of Austria-Hungary as a first step to such an arrangement, and that they succeeded in giving assurances as to the future policy of Italy, which were satisfactory.

The bases of the Arrangement appear to have been drawn up in 1882, but there are some indications that it was not actually signed till April 1883. It was renewed in 1887, 1891, 1895, and 1899, and has now again been renewed, presumably for a fresh period of four years, either from the present date (July 1902) or from some date in April 1903, when the usual period would have expired.

Concerning the provisions of the Triple Alliance and the exact nature of the documents in which it is recorded, our information is fragmentary. The most circumstantial account is that contained in a despatch from Sir Augustus Paget, then Ambassador at Rome, No. 119, Most Confidential, of the 13th April, 1883.⁽¹⁾

From this it would appear that the Alliance is, or was originally, recorded not in a formal Treaty, but by an exchange of despatches or notes; that Italy undertook in it to pursue for the future "une politique correcte vis-à-vis de l'Irredentisme, et d'empêcher tout ce qui pourrait donner de l'inquiétude à l'Autriche-Hongrie à cet égard": that no other specific point of policy was mentioned, but that the three Powers recognized generally that there was no question in Europe in which their interests were separate, that they agreed that in the event of any important question arising, they would concert together with the view of establishing a common line of policy, and that they engaged that if one of them should be attacked, the other two would come to its support. The word "guarantee" of territory was not mentioned, nor was any Power named as being specially the object of the understanding.

From other sources we know that the Alliance leaves each country free to increase or diminish its military and naval forces according to the state of its finances (Mr. Trench, No. 117, Very Confidential, Berlin, 29th April, 1892),⁽²⁾ that the Alliance is of an entirely pacific and defensive character, and that it leaves to each of the Contracting Parties full liberty of action in regard to matters which concern specially its own interests. (Sir A. Paget, Nos. 115 and 116, 12th and 13th April, 1883.)⁽³⁾

T. H. SANDERSON.

(1) [Not reproduced. The despatches are in F.O. Italy, 477.]

(2) [Not reproduced. The despatch is in F.O. Germany (Prussia), 1273.]

(3) [The rest of the memorandum is omitted as it does not concern the Triple Alliance.]

No. 11.

Sir F. Lascelles to Sir Edward Grey.

F.O. 371/77.

13641/13641/06/18.

(No. 119.)

Sir,

Berlin, D. April 20, 1906.

R. April 23, 1906.

Very considerable attention is being devoted by the Press of both countries to the present relations between Germany and Italy, and the idea has been freely mooted that Italy might leave the Triple Alliance. This would appear to be a very exaggerated view of the situation, but there can be no doubt that Germany is very indignant at what she considers the undutiful behaviour of Italy at Algeciras. When the Emperor's Telegram to Count Goluchowski was published, it was clear to any one reading the German Press, although it was not said in so many words, that the general feeling was that that Telegram was intended to emphasize the loyalty of Austria-Hungary in contradistinction to the disloyalty of the other member of the Alliance.⁽¹⁾

But German annoyance was strikingly exemplified by the unsympathetic reception given to the news of the eruption of Vesuvius. The papers were, of course, full of Telegrams about the disaster, but in only one or two absolutely unofficial papers was there any expression of sympathy or of a desire to raise funds for the sufferers. It is true that after several days, when presumably the undignified inhumanity of this course had been realized by those in power, Count Monts was instructed to convey the sympathy of the German Emperor and Government to the Italian Government, which was immediately followed by some more or less perfunctory expressions of sympathy in the Press, and it is announced this morning that the Emperor sent a sum of 10,000 Marks (£500) to the "German Relief Committee" which was originally started under the presidency of Prince Bülow to assist the sufferers of Calabria, and has now been reconstituted

(1) [i.e. Italy. A translation of the telegram sent by the Emperor William II to Count Goluchowski is given in Sir E. Goschen's despatch No. 43 of April 14, 1906, *v. Gooch & Temperley*, Vol. III, p. 336, No. 400.]

for the benefit of the Vesuvian victims. But one cannot but be struck by the difference shown in the treatment of the Italian disaster and of the terrible news received yesterday from San Francisco. I have the honour to inclose a translation of a short article which appeared in last night's North German Gazette in the place usually consecrated to "communiqués." The San Francisco disaster is no doubt infinitely more terrible than that in Italy, but the remarks about the devastating workings of Nature's forces would seem to have been equally applicable to the eruption of Vesuvius.

I have, &c.

FRANK C. LASCELLES.

Enclosure in No. 11.

Extract from the "Norddeutsche Allgemeine Zeitung" of April 20, 1906.

FOREIGN REVIEW.

(Translation.)

Berlin, April 19, 1906.

California has been visited by a fearful earthquake which has occasioned terrible loss of life and property in San Francisco. This convulsion of nature and its sad consequences for the American nation have aroused the warmest sympathy of the German People. The devastating effect of fearful natural forces, against which we poor mortals are helpless, brings home to us with exceptional vividness the fellowship of all mankind, and more especially so when the blows of fate have plunged into deep mourning a nation bound to ours by so many ties of blood, thought, and intercourse.

No. 12.

Sir E. Egerton to Sir Edward Grey.

F.O. 371/83.

22216/22216/06/22.

(No. 114.) Secret.

Sir,

Rome, D. June 27, 1906.

R. July 9, 1906.

In reference to my despatch marked secret of the 9th instant⁽¹⁾ on the subject of Monsieur Barrère's language respecting the renewal of the Triple Alliance, I might add that Monsieur Barrère, who is now in the country, sent me his Secretary to say that, though he has received conflicting statements respecting the date of the expiration of the Triple Alliance, he has reason to believe that the Treaty has yet six years at least to run and that the question of its modification or continuation is now not an urgent one.⁽²⁾

I am inclined to infer from this that from Paris his zeal for action here with respect to the Alliance has been discouraged.

I have, &c.

EDWIN H. EGERTON.

MINUTE.

Nothing more is said of the proposed agreement between the Mediterranean Powers and it looks, as Sir E. Egerton suggests, that M. Barrère has received a snub from Paris.

C. H.

E. G.

⁽¹⁾ [Not reproduced.]

⁽²⁾ [*v. Pribram*, Vol. II, p. 133 *et seq.*, "The Treaty of 1902, like that of 1891, was concluded for six years, and was likewise to be valid for six years in case none of the allied powers availed itself of the right to denounce it one year before the date of expiration, or to demand its revision." Denunciation could have taken place in June 1906, but the period allowed for denunciation ended July 8, 1907. After that prolongation for six years more was assured.]

No. 13.

Mr. Cartwright to Sir Edward Grey.

F.O. 371/72.

32462/16098/06/17.

(No. 124.)

Sir,

Munich, D. September 24, 1906.

R. September 26, 1906.

I have the honour to report that the visit of President Fallières to Marseilles has not passed off without exciting some comments here. That the President of the French Republic should visit the chief commercial city of his dominions would in itself hardly have aroused any notice in

Germany, nor would the sending of some Italian and Spanish ships to greet him on this occasion have done so, but what has called forth criticism has been the presence of the British Fleet at Marseilles on the occasion of the fêtes given there. Germans ask themselves for what purpose did Great Britain wish to have herself represented on such an occasion.

That suspicions with regard to the unfriendly policy still pursued by Great Britain towards Germany continue to exist in this country is shown by an article in the "Schwäbische Merkur" which perhaps summarizes better than any other I have seen the annoyance caused here by the visit of the British Fleet to Marseilles.

The Würtemberg organ observes that no one would have objected had the British Fleet been sent to Cherbourg on the occasion of a Presidential visit to that port, or even, in a certain sense, if Great Britain had allowed herself to be represented at the Marseilles fêtes merely to show that she had interests in the Mediterranean which she intended to safeguard, but it would appear unfortunately from the Press articles which have been published in England, France, Italy and even Spain, that the meeting of the four Fleets in this Mediterranean port was intended as a deliberate demonstration of the brotherhood which now exists between the Western Powers, and a coalition is therefore intended to be created which will be a threat to the stability of the Triple Alliance. Germany cannot avoid noticing with regret that of these articles those published in Italy appear to be the most inimical against the continuance of that Engagement; even at the time when that Alliance was in full vigour, articles appeared frequently in the Italian Press favourable to France, but their number is now increasing fast and since the attitude of the Italian Government at Algeiras and the telegram of the Kaiser to Count Goluchowski, even recognized official and semi-official organs of the Italian Government do not now hesitate to belittle the usefulness and to doubt the stability of the understanding with Austria and Germany. Of course declarations will be made by the Italian official world that nothing is changed and that the "status quo" continues to exist, but the "Schwäbische Merkur" asserts that Germany is not going to allow herself to be deceived and that an Alliance which will become ineffective when put to the test is worse than useless. In this respect it considers that events have progressed with rapidity; at Algeiras the attitude of Italy was not loyal, but the demonstration at Marseilles is a far more important sign of the times and German statesmen must take note of it. For over ten years the Triple Alliance has been the dominant factor for the maintenance of peace in Europe; this it no longer is; but will the new coalition which is being formed and whose existence in the immediate future was indicated at Marseilles, be able to maintain it?

The warm reception accorded to the German Burgomasters and Press representatives in England, followed up by the meeting between the Kaiser and King Edward at Cronberg, were generally considered in Germany, says the Würtemberg newspaper, as indications that a better feeling was really beginning to arise in England with regard to this country. The optimists must now confess that they have been disappointed in their hopes; the belief that Monsieur Delcassé's policy had really been put aside proves to be a vain hope; in a most flagrant manner Great Britain has taken the opportunity of announcing to the world that she still believes that Germany is likely to be the one disturber of the peace of Europe and must therefore be hemmed in on all sides and be isolated. The meeting at Cronberg is followed by the pompous visit of the British fleet to Marseilles: such is the confidence of His Majesty's Government in the reality of the friendly dispositions of Germany towards Great Britain. In conclusion this article states that to express the above thought is not to be a pessimist, but to be a person who understands how things really lie. The patriotic German must therefore always be "en vedette." Mr. Haldane in his recent speech announced that he would see that the British military forces were put upon a proper footing: Germany must do the same and she must watch that her armaments be ready when they may be wanted.

It seems to me that there is a growing suspicion of Italy in this country and of the attitude of the Italian Government. Every incident which shows activity on the part of Irredentist Societies on the Austro-Italian frontier—the struggle between Italians and Croats—the building of an Italian school in some village of the Austrian Tyrol—the publication of an anti-Austrian article in some obscure Italian paper—immediately attract attention in South Germany and give rise to press comments. At heart every German who studies international politics holds firmly to the hope that should circumstances bring about a disruption of the Austro-Hungarian Empire, the only ally Germany can depend upon, part of the heritage of that Empire which must come to Germany will be Trieste. In fact the two questions which are of vital importance to the ever-increasing population of the German Empire are, first, that the German Fleet should have a secure passage through the British Channel, so as to be able to extend the dominions of the Empire beyond the seas, and secondly, that—circumstances permitting it—Germany should have access to the Mediterranean. The appearance of the British Fleet at Marseilles in conjunction with those of Italy, Spain and France, is like a warning to Germany that her hopes in the direction of Trieste will be opposed by a great coalition of the Powers, and it is again Great Britain who is the soul of that coalition and therefore again in whatever direction Germany turns she encounters the opposition of that Power. What causes perhaps the more annoyance here is the conviction that this approaching combination of the Western Powers into a solid Alliance is not founded merely on the dreams of a Delcassé or the desires of a Sovereign, but on the natural current of public opinion which at present is running strongly in that direction.

I may add that the appointment of the Marchese di San Giuliano to London, whose opinions with regard to Italian policy across the Adriatic are well known, has not been received here with any satisfaction. It is not expected that the Italian Government will officially instruct him to immediately negotiate a close understanding between England and France [sic], but his well-known personal sentiments must inevitably have some effect upon the relations between Great Britain and Italy, and as public opinion in the latter country seems to be growing more and more inimical to Germany, the Italian Government will sooner or later be swept along by it towards what is considered here to be a policy of adventure.

I have, &c.

FAIRFAX L. CARTWRIGHT.

MINUTES.

The argument that every courtesy or friendliness by other Powers to each other is inspired by unfriendliness to Germany reveals the nervousness still prevalent in that country.

E. A. C.

Sept. 28.

The Germans apparently cannot understand that it is possible to live on good terms with one's neighbours without wishing to attack somebody.

C. H.

E. G.

No. 14.

Sir B. Boothby to Sir Edward Grey.

F.O. 371/8.

35517/35517/06/3.

(No. 158.) Confidential.

Sir,

Vienna, D. October 19, 1906.

R. October 22, 1906.

The meeting which took place last week here between the German Foreign Minister, Count Monts the German Ambassador to the Quirinal and Count Wedel, now Ambassador here and late Ambassador to Italy, has naturally excited in political circles much interest and discussion. In spite of denials from Italy it has been taken for granted that the object of this conference was to discuss the measures to be taken to secure the continuance of the Triple Alliance. According to the "Neue Freie Presse" that alliance, if not denounced before the end of 1907, will continue for a term of years. The present time is therefore critical for Germany, who has the chief interest in continuing the alliance.

It was through a leading article entitled "Triple Alliance" in the "Neue Freie Presse" of the 6th instant that Vienna first became aware of this intended conference. On the same day were published the first extracts from the Hohenlohe Memoirs, in which the news is divulged that the German Emperor "had decided to go with Austria even at the risk of being involved in war with France and Russia," and that "His Majesty had promised the Emperor of Austria to be a faithful ally and would keep his promise. The occupation of Bulgaria by Russia would mean war with Austria and he could not leave Austria in the lurch." That it should be due to a mere coincidence that this revelation of the Emperor's fidelity was made at the very moment when the "Dreibund" conference was announced was thought here to be most improbable. Consequently it was taken for granted until the publication of the Emperor's indignant telegram to Prince Philip Ernst Hohenlohe—and even after that by many people—that the Extracts were published at the instance of the German Government with the definite intention of impressing upon Austria the debt which she owed to Germany—a debt which should preclude her from abandoning the alliance at the moment when her German Ally stood most in need of her.

The "Neue Freie Presse" article, above referred to, in announcing the approaching visit of Herr von Tschirschky, stated that the probable object of the proposed conference between His Excellency and the two Ambassadors was to consider "the relations of the central Powers to Italy." The attitude of Austria need not be called in question, for her fidelity to the alliance is sure. As regards Germany's relations with Italy it admits that they are no longer as cordial as they were in the days when Signor Crispi was in power. Though Austrian official relations with Italy are improved, yet the allies of the latter Power, and specially Austria, must regret that they are rather of the chillily regular than of the cordial type. Signor Giolotti [sic] and Signor Tittoni and politicians of that calibre may be counted on to remain true to the Triple Alliance. But the Italian people generally, who like children are easily excited and soon forget, are excited just now by such incidents as recently occurred at Fiume and by the manœuvres in Dalmatia, travestied and exaggerated by the Press. It is necessary to calm this spirit. This the Hungarian Government has endeavoured to do by expressions of regret and by the appointment of a commission to enquire into the untoward events at Fiume and the injuries caused there.

The opinion expressed in this article, from which I have quoted at length, appears to me to harmonize in the main with the general estimate of the situation in well-informed quarters here.

The Austro-Hungarian Government equally with the Italian is avoiding every ground of quarrel: but the people, especially the Army and Navy, believe that war is probable—and at no distant date. The suspicion of Italy which, according to Mr. Cartwright's despatch No. 124 of the 24th ultimo,⁽¹⁾ is growing in South Germany, is at least equally strong in Austria.

In view of this hostile and suspicious attitude of Austria and Italy towards each other, which might possibly precipitate a war in spite of the efforts of both Governments to avoid it, the policy of Austria-Hungary in regard to Serbia for years past appears to be of doubtful wisdom. Count Goluchowski is just now the object of bitter press attacks for his Servian policy. His treatment of that country has certainly been harsh and dictatorial, but—as Sir Augustus Paget's despatches of twenty years ago abundantly prove—Serbia fared even worse with his predecessors. Count Kalnoky considered the Servian People as little better than the swine they herd, and in his frequent conversations with Sir Augustus Paget he lost no opportunity of expressing his contemptuous opinion of them. The dislike in which Austria is held to-day in Serbia and the Balkan States must be in great measure attributed to this policy. Should a war unfortunately occur between Austria-Hungary and Italy, Austria might find in despised Serbia a very useful ally to her Italian adversary. Signs are not wanting that Serbia is becoming a dangerous focus for Southern Slav machinations, as is evidenced by Mr. Whitehead's report of the recent Education Conference.

Also in Dalmatia and Croatia there is among the Slav population much discontent at the neglect with which Austria treats them. The French Chargé d'Affaires recently told me on his return from an expedition in Croatia, that there is much discontent and disaffection in that province because of the neglect of the Imperial Government to provide them with practical roads and railways. The urgent request for the annexation of Bosnia and the formation of a Greater Croatia was, in his opinion, largely attributable to the material benefits which might accrue from this aggrandisement. This neglect again appears to be imprudent, as calculated to encourage Southern Slav intrigues against the Monarchy.

Accounts which reach me from well-informed sources confirm what Mr. Cartwright relates in his Despatch No. 129 of the 2nd instant⁽²⁾ in regard to the coldness of the reception accorded to the Archduke Franz Ferdinand at Ragusa and other places on the occasion of the manœuvres last month in Dalmatia. At these places, however, the concourse of people was very sparse: and some allowance must be made for the disappointment of the populace at the absence of the Emperor through a change of plans at the last moment. On the other hand I learn that at Zara, the Capital, where the population is Italian, His Imperial Highness's reception was enthusiastic.

I have, &c.

BROOKE BOOTHBY.

MINUTE.

A good despatch.

C. H.

E. G.

(1) [*v.* immediately preceding document.]

(2) [Not reproduced.]

No. 15.

Sir E. Egerton to Sir Edward Grey.

F.O. 371/83.

36962/36962/06/22.

(No. 189.) Most Confidential.

Sir,

Rome, D. October 29, 1906.

R. November 3, 1906.

I asked Monsieur Barrère to-day what was his impression of the object and result of Herr von Tschirschky's visit to Rome, and he answered that, from all that he had gathered and from the tone of the Italian Press, if it had any special object, it had failed.

The Triple Alliance, which he said, has fully six years to run, is unaffected by the visit, and he cannot see any point in the East or elsewhere where co-operation with Germany could be hoped for from Italy, and he is very certain from the language of public men here that Italy would never side with Germany against England.

As for the relations of Austria Hungary and Italy—German advice or help was not required.

Monsieur Barrère was inclined even to consider Herr von Tschirschky's [*sic*: Tschirschky's] visit and conversations at the Vatican as the most practical part of his visit to Rome.

Monsieur Barrère assured me that he knew on the best authority that the Polish Bishops' complaints were gone into, and that the Sultan's wish to have a Representative at the Vatican resident here was warmly supported by the German Foreign Minister! The object of such direct representation can only, said Monsieur Barrère, be that of weakening the influence of the French Embassy at Constantinople.

He appears to think that Herr von Tschirschky was ill advised in having his audience of the King after that of the Pope: but this I cannot imagine will be looked upon as a want of tact, since the King was absent last week with the fleet at Taranto and could not have received him.

I agree however with Monsieur Barrère in believing that the effect of the German insuccess at Algeiras has not been repaired here—though a gentler tone may be observable in German diplomacy.

I have, &c.

EDWIN H. EGERTON.

MINUTE.

The idea of the Sultan being represented at the Vatican seems very absurd.

E. G.

No. 16.

Sir E. Egerton to Sir Edward Grey.

F.O. 371/83.

36964/36962/06/22.

(No. 191.) Confidential.

Sir

Rome, D. October 30, 1906.

R. November 3, 1906.

In my despatch No. 184 of the 16th instant⁽¹⁾ I had the honour to report the impending visit of Herr von Tschirschky, who has since resided with his wife at the German Embassy for nearly a fortnight as a private friend of Count Monts, without paying official visits.

To the dinner given to Herr von Tschirschky by Signor Tittoni, the Austrian Ambassador was told at the last moment not to come, as it was thought best to preserve as far as possible the private character of the visit.

The Press does not seem to attribute great importance to the German Minister's presence—the "Corriere della Sera" of the 19th instant treated as fantastic the hypotheses that he had come to stimulate the enfeebled "Triplice" by making fresh proposals, or for the purpose of keeping Austria and Italy to their previous understandings.

The Triple Alliance, according to the "Corriere," is in no danger—it represents one of the elements necessary for the European Equilibrium, and a union of force imposing enough to dissuade any Power from risking a war with any of the allied Powers, whilst encouraging the search for those compromises, partial agreements and understandings, which for the last twenty years have constituted the system of international relations.

Italy has nothing to gain by the dissolution of the Alliance. By no other grouping of forces can she safeguard herself better than by that with the Empires of the Centre—but on the other hand, friendship and perfect understanding with England are essential to Italy.

At one moment it seemed that Italy, by the acuteness of the misunderstanding between England and Germany, might be placed in a difficult position, but Italy now serves rather as a bond of union between the two countries from her friendship to both.

As for Austria, it is essential to be on good relations. There is already understanding on certain fundamental points respecting the Balkan Peninsula—such as that Albania must belong neither to Austria nor Italy, but to the Albanians; and that if any change takes place in the actual balance of power in the Balkan Peninsula, Austria should take no step without previous notification to, and even concert with Italy.

The "Corriere" concluded therefore in favour of the "Triplice."

As far as I can gather, it appears to me that the Press, either spontaneously or from official advice, has been very tactful on the subject of the visit of Herr von Tschirschky, who may probably have done something with Signor Tittoni; but the national feeling cannot, as regards any important question, allow the Foreign Minister to make any serious concession to Germany.

Herr von Tschirschky left to-day for Florence and to-morrow goes to Pisa to be received by the King at San Rossore, near that town.

I have, &c.

EDWIN H. EGERTON.

(1) [Not reproduced.]

Mr. Cartwright to Sir Edward Grey.

F.O. 371/258.
8165/3389/07/18.
(No. 26.)
Sir,

Munich, D. March 11, 1907.
R. March 13, 1907.

I have the honour to report that a week ago the newspaper "La Stampa" of Turin published an article on a supposed alliance between Great Britain and Italy, a subject allusions to which cause so much irritation in this country. Whenever it is possible, the German press tries to avoid calling attention to this delicate matter, but it cannot help from time to time being drawn into polemics with the newspapers of other countries when these reproduce articles like the one in the "Stampa," with comments of a detrimental character to German interests.

The article in "La Stampa" has been alluded to very briefly in the newspapers of South Germany, but as generally happens, after a certain period of silence, the Imperial Government cannot withhold themselves from being drawn into the controversy carried on in the foreign press, in order to calm the alarm of the German public at the persistent rumours that alliances are being gradually created to isolate Germany. This morning's Munich "Neueste Nachrichten," which in political matters is directed by the Prussian Legation here, comes to the rescue with explanations of Germany's policy in the Mediterranean and the Near East, and points out how harmless are—as far as Germany is concerned—the relations which exist between Italy, France and England.

The article begins by stating that people are mistaken if they imagine that the Imperial authorities are going to take official cognizance of articles like that published by "La Stampa," with its pretended revelations about an alliance between Great Britain and Italy, and its affirmation that an understanding between them for a common action in the Mediterranean and in the Near East has been concluded. Well-informed political circles have treated such revelations with the contempt which they merit and they have taken no further notice of them. What these revelations contain of truth, is not new, and what is new, is not true. The fact remains that Italy, by renewing in 1902 the Triple Alliance with all its old engagements, has bound herself for a number of years to come to her allies, Germany and Austria. The conditions contained in that Treaty do not in any way touch Italy's aspirations in the Mediterranean, in North Africa or in the Balkans. In this direction Italy has a free hand and she has no claim to German or Austro-Hungarian assistance in those quarters. Everyone knows, however, that an engagement exists between Great Britain and Italy affecting the Mediterranean. This engagement was originally pointed against France but its aggressive character in that direction has been altered by the entente between Great Britain and France and by the rapprochement between Rome and Paris. The alteration of the political relationships between the Powers above alluded to, has caused the efficacy of this Mediterranean engagement to be now turned towards the Near East. As far as the Balkans are concerned, Austria and Russia have come to an understanding which has won the sympathies of many of the Powers, and amongst these is Germany who will abstain from taking the initiative in Balkan questions. England would no doubt prefer a quicker development of events in the Balkan Peninsula. Italy and Austria have satisfactorily exchanged general views with regard to the Balkans, but local frictions may still arise in the frontier provinces of Albania, Bosnia, and Herzegovina. Italy, it cannot be denied, is energetically pushing her interests in Albania by establishing schools, Consulates, &c., and by increasing her commercial relations with that Province. This complicated web of international Treaties and interests, which appear to cross each other, has contributed, in spite of many difficulties and incidents, to maintain fairly well the peace of Europe. Although many alterations have arisen in the political friendships and alliances of the European Powers, Germany has no wish to depart from the Mediterranean policy which Prince Bismarck inaugurated for her, namely that she has no desire to acquire territorial possessions either in the Mediterranean, in the Balkans, or in the Near East; this does not mean that she has not increasing commercial and moral ("kulturelle") interests in those parts of the world, and these interests are both appreciated and well understood by the Sultan, and therefore meet with his support and encouragement.

I have, &c.

FAIRFAX L. CARTWRIGHT.

MINUTE.

The Anglo-Italian agreement practically terminated in 1892, when L[or]d Rosebery came into office.⁽¹⁾

C. H.
E. G.

⁽¹⁾ [v. *supra*, p. 13, No. 2.]

No. 18.

Sir Edward Grey to Sir E. Egerton.

F.O. 371/356.
36028/36028/07/44.
(No. 135.)

Sir,

Foreign Office, October 29, 1907.

The Italian Ambassador pressed me to-day to instruct Sir Nicholas O'Connor to support the representations of the Italian Ambassador at Constantinople, in order to overcome the Turkish obstruction to some Italian commercial enterprise in Tripoli, and expressed disappointment that we should hesitate to give a favourable reply.

I said I would make inquiries about this. It was possible that we were already consulting Sir N. O'Connor on the point. But Turkey would certainly be very jealous and suspicious of any tendency on our part to interfere in Tripoli.

The Italian Ambassador went on to say that our refusal to give a favourable answer on this point, and as regards the Tripoli frontier, and about a successor to General de Georgis, had created a most unfavourable impression on the Italian Government. He was very anxious to know whether there was something in Italian policy which had caused a cloud to come between us, or what the reason could be.

He himself had explained to his Government that our answer about General de Georgis need not necessarily bear an unfavourable construction. I replied that this was certainly so. We had no intention whatever of raising objections to an Italian candidate. Indeed, personally I had expected that an Italian candidate would be acceptable to all the Powers. But before committing myself to support a candidate of any nationality I had wished to be sure that the choice was one which would not give rise to any complications. We had no objections at all to an Italian candidate, and we were ready to support one if that course met with general approval.

With regard to the enterprise in Tripoli, I had not yet given any answer at all. I must have an opportunity of looking into the question, and if need be of consulting Sir N. O'Connor.

As to the Tripoli frontier, I was most anxious to remove any apprehensions of the Italian Government. I had promised to keep them informed of negotiations with Turkey on this subject. But as the Turks were very sensitive on the frontier matter, separate negotiations with Italy would be sure to give rise to difficulties and embarrassment.

I hoped, therefore, he would understand that our answers on all these subjects were due purely and simply to caution, and a desire to avoid embarrassing ourselves; and not to any offence which we had taken at anything which the Italian Government had done.⁽¹⁾

[I am, &c.]

E. G[REY].

⁽¹⁾ [For Italy's military obligations under the Triple Alliance during 1906-7, v. *G.P.* XXI, II, chapter 154, *App.*, pp. 407-19.]

No. 19.

Sir F. Bertie to Sir Edward Grey.

F.O. 371/256.
36535/36051/07/17.
(No. 527.) Confidential.

Sir,

*Paris, D. November 1, 1907.**R. November 5, 1907.*

As I had the honour to inform you by my despatch No. 526 Secret of to-day⁽¹⁾ I had a visit from Monsieur Barrère, the French Ambassador at Rome. I spoke to him about the article by Monsieur Eugène Lautier in the "Figaro" (which I transmitted to you in my despatch No. 521 of the 30th ultimo)⁽¹⁾ on the subject of a statement made at the Moltke-Harden trial at Berlin that an interview between the German Emperor and Monsieur Loubet in April 1904 in the Mediterranean fell through by the fault of the French Government. I asked Monsieur Barrère what amount of truth there was in Monsieur Lautier's account of the matter.

Monsieur Barrère said that the account was not at all accurate, and he gave me the following description of the real circumstances: The German Ambassador had endeavoured to persuade the Italian Government to arrange that the German Emperor should arrive at Rome from Naples so as to meet the President of the Republic and let it appear that the conciliation of France and Italy had so to say His Majesty's approval and blessing. The Italian Government refused to fall into any such combination. During the negotiations for the programme of the visit Monsieur Barrère discovered that the German Ambassador was continually making representations and

⁽¹⁾ [Not reproduced.]

suggestions to Monsieur Tittoni, the Italian Minister for Foreign Affairs. He objected to any opportunity being given to the Romans by the arrangements for the reception of President Loubet for demonstrations of sympathy for France. He wished the festivities to be as restricted as possible and he extracted from Monsieur Tittoni a promise that the King of Italy's speech of welcome to the President should contain a reference to the Triple Alliance. Monsieur Barrère warned Monsieur Tittoni that such a reference must not be made and he obtained an assurance that there should be none. He several times applied for a draft of the King's speech, but it was only given to him by one of Monsieur Tittoni's Secretaries at the Rome Station when he was starting for Pisa there to meet President Loubet. He found that there was a reference to the Triple Alliance and he told the Secretary that if it were not struck out Monsieur Loubet might not come to Rome. When he reached Pisa he received a telegraphic assurance from Monsieur Tittoni that the reference would be struck out. As it was known that the German Emperor desired to have a meeting with President Loubet the question of what should be done was discussed at Paris and it was decided that a meeting should be avoided if it possibly could be without giving cause for offence, but that if that were found impossible the usual formal civilities would be exchanged. Shortly before President Loubet's intended visit to Rome the King of Italy went to Naples to exchange civilities with the German Emperor. Monsieur Tittoni promised Monsieur Barrère that there should be no political allusions in the King's speech there. This promise was not kept and Monsieur Tittoni stated that the King's hand had been forced by the German Emperor's political references in his speech to which the King was obliged to reply. Monsieur Barrère was very angry at this breach of faith and the German Ambassador was equally angry at no mention of the Triple Alliance being made shortly afterwards in the King of Italy's speech of welcome to Monsieur Loubet. The German Emperor was annoyed at the warmth of the welcome to President Loubet at Rome and at the speeches exchanged between the King and the President at Naples and finding that his desire for a meeting was not reciprocated His Majesty left the Mediterranean and went to Venice and thence to Germany by land.⁽²⁾

I have, &c.

FRANCIS BERTIE.

MINUTE.

Several people, certainly M. Tittoni, must have had hard quarters of an hour over these speeches.

E. G.

(²) [*cp. infra*, p. 35, No. 21.]

No. 20.

Sir F. Bertie to Sir Edward Grey.

Private and Secret.⁽¹⁾

My dear Grey,

British Embassy, Paris, November 1, 1907.

Barrère the French Ambassador at Rome whom as my colleague there in 1903 and 1904 I knew very well came to see me to-day. He asked me whether I did not think that it would be a good thing that Italy should be instigated to make with England an Agreement analogous to those between Spain and England and Spain and France. France had as I no doubt knew an arrangement with Italy and if Italy made one with England there would then be France, England, Spain and Italy all in agreement for the maintenance of the status quo in the Mediterranean.

I said that I thought that for England to make a fresh agreement with Italy concerning the Mediterranean would be an unnecessary offence to Germany. Spain had possessions which others might possibly have obtained by purchase or otherwise. With Italy the case was different. She had none that she could possibly be persuaded to dispose of, and if she required to be protected from the rapacity of others we could always defend her without an agreement.

Yours sincerely,

FRANCIS BERTIE.

MINUTE.

Sir F. Bertie's reply was very right. Italy would certainly not make a fresh agreement just now and would perhaps make capital out of her refusal, if we proposed one to her.

E. G.

MINUTE BY KING EDWARD.

I quite agree to Sir F. Bertie's answer.

E.R.

(¹) [Grey MSS., Vol. 11.]

No. 21.

Sir E. Egerton to Sir Edward Grey.

F.O. 371/256.
38743/36051/07/22.
(No. 169.) Confidential.
Sir,

Rome, November 18, 1907.

With reference to your despatch No. 143 Confidential, enclosing Sir F. Bertie's despatch No. 527 Confidential of November 1st,⁽¹⁾ giving M. Barrère's version of the circumstances of the avoidance of the German Emperor by Monsieur Loubet when in Italy in April 1904,⁽²⁾ I may add that M. Barrère in 1905 gave me a similar account, and I can further testify that both he and the German Ambassador Count Monts, from this occasion have nourished a grievance against Signor Tittoni.

I have, &c.
E. EGERTON.

MINUTE.

M. Tittoni was in a difficult position in regard to the King of Italy's speeches welcoming first the German Emperor and then the French President. He pleased no one.

E. G.

⁽¹⁾ [*v. supra*, pp. 33-4, No. 19.]

⁽²⁾ [Several journals gave accounts, purporting to be correct, of the proposed interview, which did not take place, e.g., *Journal d'Alsace-Lorraine* reproduced in the *Temps* of November 4, 1907.]

No. 22.

Sir R. Rodd to Sir Edward Grey.

F.O. 371/470.
44624/44624/08/22.
(No. 199.) Confidential.
Sir,

Rome, D. December 18, 1908.
R. December 22, 1908.

It is manifestly impossible for me, after only two or three days in Rome to have formed any opinions of my own upon the state of the public mind in Italy as regards her Austro-Hungarian ally, but it may be of interest that I should briefly place on record the views expressed to me by those of my colleagues with whom I was previously acquainted and whom I have lost no time in visiting.

My first visit was to the French Ambassador, who is the doyen of the Diplomatic body. Monsieur Barrère, who has completed his tenth year in Rome, is no doubt the best informed of all the foreign representatives here and is constantly in close touch with politicians of every shade of opinion, with financiers and pressmen. His views are, however, perhaps to some extent coloured by the fact that for many years all his efforts were directed to an attempt to seduce Italy from the Triple Alliance. Even though such a result may be less directly an object to the French Government now than some years ago, I cannot help believing that Monsieur Barrère himself will never quite abandon an ambition whose realization he would regard as a great personal triumph. He is consequently predisposed to make the most of any indication of dissatisfaction with the trammels imposed upon Italy by her engagements with her Northern neighbour, and he regards the recent scene in the Italian Chamber, when the policy of the Minister for Foreign Affairs was under discussion, as eminently typical of the peculiar situation of Italy. The conduct of affairs by Monsieur Tittoni was being attacked as having displayed subservience to Austrian and neglect of Italian interests by an ex-President of the Council, and the Prime Minister as well as the members of his Cabinet rose one after another and shook the speaker's hand, while their own colleague, who was the objective of his eloquence, was left disconsolately sitting alone. It is true that Monsieur Giolitti afterwards explained that he had acted on an impulse of the moment. It is also true that the Minister for Foreign Affairs was, after his reply, accorded an adequate vote of confidence. But the temper of the Chamber showed pretty plainly on which side its natural inclinations were, though practical considerations made it undesirable to go beyond a platonic demonstration. Monsieur Barrère regards the Minister for Foreign Affairs as paying the inevitable penalty for a position in which he is doomed to be the exponent of a policy to which Italians recognize that they are pledged by unfortunate circumstances, but which he is convinced they almost all cordially dislike and would readily emancipate themselves from, if only they could be guaranteed against the consequences.

Count de Monts, the German Ambassador, I found on the other hand disposed to take a much more optimistic view of affairs. He considered the anti-Austrian sentiments somewhat

freely expressed of late were to a great extent artificially organized. That an irredentist minority took any opportunity to appeal to the chauvinistic feelings of an emotional people, and that the Italian press, of which he has a very poor opinion, only maintained itself by a constant exploitation of sentimentalism. He believed moreover that at the present time the French Ambassador was particularly active in fomenting the journalistic campaign. Monsieur Tittoni he had himself found very straightforward and consistent in his attitude, but he represented the moderate and even rather conservative element in a radical cabinet, which, so long as he formed part of it, was ensured of the support of his group of followers, some thirty in number. He was consequently disliked by the extreme left and especially by the anti-clerical element which hoped to get rid of him at the coming elections next spring. In spite of what had occurred in the Chamber he had reason to believe that Monsieur Giolitti was himself a firm supporter of the Triple Alliance and all serious politicians in Italy were agreed that at present there was no alternative open but to remain faithful to a policy which had secured the country many years of material prosperity. Rome itself was not the best place in which to estimate the opinion of the country at large. It was full of restless elements collected fortuitously in what had only comparatively lately become the capital. In the provinces opinion was more reasonable and perfectly calm. So far as Monsieur Tittoni was concerned, he was convinced that he would rather resign than identify himself with the anti-Austrian agitation.

The German Ambassador's opinions may also be somewhat coloured by his desire to see things in the light most favourable to the combination which he has to watch over. After listening therefore to these somewhat divergent views I went in the third place to see the Austro-Hungarian Ambassador, Count Henri de Lützow, who has been here a much shorter time than his French and German colleagues but still long enough to have noted the changes, if any, which recent events have brought about. Count Lützow said that in his opinion the views of his German colleague were much too optimistic and he did not seem by any means so convinced that Monsieur Tittoni would hold firm against a marked indication of popular sentiment. He said he must admit with regret that there had been a decided change for the worse since he had been in Rome. There had some years ago been a very welcome determination on both sides to forget old history and work in a neighbourly spirit. But Italians felt they had a genuine grievance in the failure of the Austrian Government to give effect to their very strong desire for the establishment of an Italian University at Trieste. This was the issue which, he believed, had really contributed most to arousing resentment in this country. The attitude of Italy in the Balkan question seemed to him rather to suggest an artificial indignation, which might never have found expression if the matters which they had really at heart could have been favourably regulated. But Italians were apt to forget that his country enjoyed a constitutional Government, and that the good-will of the Sovereign and the Ministers did not suffice. The question was, like so many others, one of money. The Chambers must provide the necessary funds before an Italian University could be created, and there seemed to be little hope of securing a favourable majority for such a proposition in a country where the rivalries of the various nationalities constituting the Empire were so acute. He believed this to be the great stumbling-block to better relations but whether he was right or not the fact had seriously impressed itself upon him that at the present time there was an unfortunate reaction, that the ground gained had been lost and that the relations between the two countries were nearly if not quite as bad as they were before the Triple Alliance gave pause to the irredentist party.

I have, &c.

RENNELL RODD.

II.—GREEK PROPOSAL FOR A NAVAL AGREEMENT.

No. 23.

Sir F. Elliot to Sir Edward Grey.

F.O. 371/264.

23355/23355/07/19.

(No. 90.) Very Confidential.

Sir,

Athens, D. July 8, 1907.

R. July 15, 1907.

At the close of an interview I had a few days ago with Monsieur Theotoky, His Excellency said there was a subject he wished to speak to me about. He had noticed that one agreement after another was being made between Mediterranean States, until the only countries left out were Austria-Hungary, Turkey and Greece.

The Powers towards which Greece desired, both from inclination and from policy, to gravitate were the Western Powers, yet just now she was receiving nothing but knocks from them, and especially from England, whom she regarded with the

greatest confidence as well as with the greatest affection. He might remind me how during the Boer war Greece had been our only friend in Europe. (The evidences of this are indeed fully recorded in Sir E. Egerton's Despatches at the time). He had himself been taken to task by the Grand Duke Michael for the demonstrations of sympathy with England which were then so pronounced, and had replied that Greece owed her existence to England and was not disposed to forget it.

England had however apparently abandoned Greece and adopted another *protégée*. The evidence of her partiality was obvious: a whole Greek town might be destroyed in Bulgaria without any one being sent by His Majesty's Government to verify and report on the facts, while if a single Bulgarian disappeared in Greece one of His Majesty's Consuls was employed in detective work to discover what had become of him.*

Yet Monsieur Theotoky could not believe it was part of the policy of His Majesty's Government to encourage Bulgarian aspirations. He knew that there were people who imagined that Bulgaria could be erected into a barrier to check the advance of Russia upon the Bosphorus, but he did not suppose that His Majesty's Government cherished such an illusion, any more than that either France or England could wish to see the Straits in Russian hands. If this were so, the interests of the Western Powers coincided with those of Greece, for if Bulgaria were allowed to gain a footing on the Ægean, it would be the death-blow of Greece, which would have nothing to look forward to but to become sooner or later a dependency of Russia.

Granted the existence of this community of interests, would it not be possible to give some expression to it in a formal agreement? Greece was, of course, a weak Power, and had not much to offer: she had however her geographical situation, which would render her alliance a valuable asset in conceivable eventualities, and she was on the point of reorganising and strengthening her fleet. She would do this with the better heart, if she saw that her efforts tended to a positive result, and she would gratefully adopt the suggestions of her allies on the subject.

On the other hand, she asked for very little in return. She asked that some day, it might be in two years or it might be in fifty, when the break-up of the Ottoman Empire should at last come to pass, her allies should see that she obtained satisfaction of her aspirations; that Epirus, her claim to which had already been recognised by Europe, should be given to her, and that her road to Constantinople should not be barred.

I told Monsieur Theotoky that I could of course not enter into a discussion of his proposal with him, nor do more than report to you what he had said. I would however make one observation, namely that while the agreements recently concluded by His Majesty's Government had all of them for their object, so far as I was aware, the maintenance of the *status quo*, the one he was proposing appeared rather to contemplate a subversion of it.

His Excellency replied that that was not so: he had no desire to alter the *status quo*, but he did desire to prepare for a contingency certain in his opinion to arise sooner or later. If the Western Powers had so completely changed their policy as to be able to look with equanimity upon the prospect of a Slav advance to the Dardanelles and the Ægean, then of course Greece must abandon her reliance upon them, and must look for protection to other quarters, to which she was already being cajoled to resort.

In conclusion the Prime Minister said he should not mention what he had said to me to Monsieur Skousès or Monsieur Metaxas, and he begged that any response which you might make to his overture should be communicated to himself. He had, of course, not made this communication to me without taking the orders of His Majesty the King beforehand with regard to it.

* The allusion is, of course, to Mr. Merlin's journey of investigation reported in his Despatch enclosed in my Despatch No. 16 of the 8th of February. [Not reproduced.]

I have shown His Excellency the draft of this Despatch (without the footnote) and he agrees that it correctly reports the conversation.

I have, &c.
F. ELLIOT.

MINUTES.

Alleged Recognition by Europe of the Claims of Greece to Epirus.⁽¹⁾

I cannot find that the Great Powers of Europe recognized the claims of Greece to Epirus *on the break up of the Turkish Empire*. In 1867, when France proposed that Thessaly and Epirus should be surrendered to Greece, thus giving her her natural limits, the majority of the Powers, viz.—Great Britain, Russia, Italy, Austria and Prussia were opposed to the suggestion. But in 1878 the Powers in the 13th meeting of the Congress of Berlin (Protocol 13), invited the Sublime Porte to arrange for a rectification of frontiers in Thessaly and Epirus, and were of opinion that this rectification might follow the valley of the Salamyrios (the ancient Peneus) on the side of the Ægean Sea, and that of the Calamas on the side of the Ionian Sea. This was embodied in the 24th Article of the Treaty of Berlin, in which it was stipulated that "In the event of the Sublime Porte and Greece being unable to agree upon the rectification of frontier suggested in the 13th Protocol of the Congress of Berlin, Germany, Austria-Hungary, France, Great Britain, Italy and Russia reserve to themselves to offer their mediation to the two parties to facilitate negotiations."

The Turkish Government, however, not having taken any steps to carry out any rectification of frontier with Greece an identic note was addressed to the Porte on the 11th June, 1880, stating that under the circumstances they had decided that their Representatives at Berlin should meet in Conference at that capital on the 16th June, in order to decide by a majority of votes, and with the assistance of officers possessed of the necessary technical knowledge, the line of frontier it would be best to adopt.

On the 1st July the Plenipotentiaries of the Powers gave their Award to the following effect: the frontier was to follow the Thalweg of the Calamas to its source at Han Kalibaki and then the crests which form the line of separation between the basins to the north of Voioussa, of the Haliacmon, of the Mavroneria and their tributaries; to the south of the Calamas, of the Arta, etc.

This line would have given a portion only of Epirus to Greece; but it was not accepted by Turkey and eventually, under the Convention with Turkey of 24 May, 1881, the line of the river Arta was adopted, by which a still smaller portion of Epirus was allotted to Greece.

Thus though the Powers suggested the allocation of a large portion of Epirus to Greece in 1880 and a smaller portion in 1881, they did not, in 1878–1881, which is I presume the period alluded to by the Greek Premier, advocate the grant of the whole of Epirus to Greece.

R. W. BRANT.

Foreign Office,
July 22, 1907.

The Greek Prime Minister assumes that a Bulgarian advance to the Ægean would be synonymous with a Russian advance. The theory that Bulgaria would allow herself to be absorbed by Russia has been dispelled by the whole history of the Principality since its creation as an autonomous state. The Russians hoped and expected when they drew up the Treaty of San Stephano that Bulgaria would become a Russian appanage, and the European Powers fearing this result, gave effect to their apprehensions in the Treaty of Berlin, by which the territory assigned to the newly created State was cut down to the limits of the modern Northern Bulgaria. The independent spirit evinced by the Bulgarians in refusing to be dictated to by Russia has alike belied the hopes of Russia and the fears of the other Powers, so that the situation is now exactly reversed and it is recognised that a strong Bulgaria is the best barrier to a Russian advance to the Bosphorus and the Ægean. The extent to which Greece might be expected to prove effective as a barrier against anybody was amply demonstrated by the results of the last Turko-Greek war.

In a long conversation which I had with Mr. Bouchier yesterday ("Times" correspondent in the Balkans) he set forth very clearly the circumstances of the Greco-Bulgarian conflict. He has lived in the near East for 15 years and probably knows Macedonia better than any other European. He dwelt on the fact that it was so little understood or believed how enormously the Bulgarian element preponderated over that of any other element in European Turkey. As for Greeks there were practically none in Macedonia apart from the Peninsula of Chalcidike and the coast towns, and the claim of the Greeks to Macedonia was based purely on tradition and the fact that they had once held the country as a conquering race. The Greeks are in a very much better position for advertising and propagating their cause than the unfortunate Bulgarians. Mr. Bouchier has ascertained that enormous sums are contributed annually by the wealthy Greeks of Manchester, Liverpool, London, Marseilles, Smyrna, Athens, etc., and he stated that last year a Greek

⁽¹⁾ [This minute by Mr. Brant was written as a "separate minute," obviously after the one by Mr. Lister and possibly after the remaining minutes.]

leader of bands in Macedonia had admitted (in connexion with a scandal which arose at Athens in regard to the administration of the funds of the Macedonian Committee) that 50 million drachmas had passed into the country for the purposes of the Greek propaganda in that year alone. The leaders of bands are paid high salaries and the Turkish civil officers are bribed to connive at or ignore Greek outrages, while Turkish officers in the army frequently receive pay from the Committee, in consideration for which they contrive to lose their way when sent in pursuit of bands or else warn the leaders in time to enable them and their followers to escape. A Greek political agent annually visits London (he is here now) with a view to enlisting sympathy and generally furthering the objects of the propaganda. Pamphlets are published and freely distributed containing the grossest misstatements. The social position acquired by many of the wealthy Greeks residing in European cities is another great asset of the Greek cause.

The Bulgarian claims are not based upon tradition and past history but upon hard facts, and yet the Bulgarians are at a tremendous disadvantage as compared with their astute rivals. It may be said that their only attempt to advertise their cause has been the publication of a book giving a most exact account of the occurrences of 1903, but it was presented in so unattractive a form that it did not appeal to, and was never read by, the general public. The volume was compiled with laborious accuracy and contained no statements of any occurrences which had not been completely substantiated (the book was received here and sent to Salonica for observations and was described as containing an accurate account of the facts). With the single exception of M. Guéchoff it may be said that there are no rich Bulgarians to contribute to Macedonian funds, whether in Europe or the Principality, neither have any Bulgarians attained a social position abroad: they are still a nation of peasants with no middle class. Moreover they are entirely wanting as a race in the aptitude for intrigue which has contributed so enormously to furthering and advertising the Greek cause in Macedonia. The Bulgarians have in fact never really had a hearing before the public of Europe. It must also not be forgotten that it has frequently been the practice of H[is] M[ajesty's] Gov[ernment] to appoint Greeks to the smaller consular posts in Macedonia. Mr. Graves' immediate predecessor as Consul-General at Salonica, Sir A. Billiotti, was a Levantine with strong Greek proclivities and all the facts of the insurrection of 1903 reached this Department through the medium of that officer. I find in official despatches written by a British Vice-Consul in Macedonia in 1903 (Mr. Theodoridis) such expressions as "ces schismatiques," *i.e.*, Bulgarians of the Exarchate, which sufficiently indicate the partiality of the writer and lead one to fear that there may be many inaccuracies in the official records of the Bulgarian rising of 1903.

The idea that Greece could ever hold Epirus (*i.e.*, Southern Albania) as suggested by M. Theotokis, if it were given to her, is fantastic, but entirely characteristic of the extraordinary aspirations which animate Greek patriots, who seem to live in a dream world of their own creation without any regard to the plain lessons of history and facts. The Greeks imagine that a stroke of the pen would enable them to accomplish what the Turks have failed to do in 4½ centuries.

Sir F. Elliot might be instructed to inform the Prime Minister that H[is] M[ajesty's] Government are not hostile to Greece herself but to her policy in Macedonia which they cannot but regard as the greatest obstacle to the progress of the reforms, and he might at the same time point out that if any proof were wanting of the goodwill which H[is] M[ajesty's] G[overnment] bear to the country generally it is to be found in the part they have taken in adjusting the various Cretan questions in a manner calculated to meet the wishes of the Greek nation, but that they are not prepared to enter into such arrangements as that suggested by M. Theotokis or to sympathise with Greek aspirations in any form whatever so long as the present policy of the Kingdom in Macedonia remains what it is. (But see 23356.)⁽²⁾

Copy to Constantinople and Sofia with reply to Sir F. Elliot.

E. G. L.

15/VII/1907.

I think that H[is] M[ajesty's] G[overnment] could not agree to this proposal—

Any such undertaking would have to be kept secret and H[is] M[ajesty's] G[overnment] are averse from entering upon obligations which cannot be laid before Parliament. The Greeks moreover would be quite certain to let it out. They want it for use in Macedonia and it would be looked upon and they would utilize it as a direct encouragement to their aspirations. The effects might be very serious and far-reaching. If other circumstances were favourable it might decide Bulgaria to take action.

The threat of an understanding with Germany cannot be altogether ignored but I think it is largely illusory. It is unlikely that Germany will give any undertaking about Epirus as it would be the death blow to her influence at the Porte. The disadvantage to Greece of an understanding with a Power who wants Ports in the Mediterranean are obvious. Greece must rely on the "Western Powers" for her national safety and I expect that she realizes this.

Reply that H[is] M[ajesty's] G[overnment] have carefully considered M. Theotoky's proposal. They are concerned at his misinterpretation of the attitude of H[is] M[ajesty's] G[overnment] which has in no way changed. The natural aspirations of the Hellenic power have always been

(2) [*v.* immediately succeeding document.]

regarded with sympathy in this country and the action of H[is] M[ajesty's] G[overnment] in regard to Crete is sufficient evidence that H[is] M[ajesty's] G[overnment] have not changed their traditional policy of friendship with Greece.

They cannot, however, enter into any undertaking of the nature proposed. It is against the principles of H[is] M[ajesty's] G[overnment] to make secret agreements and if this agreement were published, the consequences in the Balkan Peninsula might be disastrous. The sole object of H[is] M[ajesty's] G[overnment] is to maintain the political Status Quo in those regions, whilst improving the conditions under which the Christian races are governed: they do not favour one nationality more than another and if they have been obliged of late frequently to bring to the notice of the Greek Gov[ernment] the reports of H[is] M[ajesty's] Consuls as to the activity of the Greek Bands it is because, according to their information the Greek Bands⁽³⁾ have displayed renewed activity in Macedonia. In giving figures asked for respecting outrages in Macedonia H[is] M[ajesty's] Gov[ernment] have hitherto abstained from specifying the very large proportion which is due to the action of Greek bands and, if this became widely known in Great Britain, it would leave a painful impression on the minds of the public, which might react on the political relations of the two countries.

H[is] M[ajesty's] G[overnment] have moreover shown complete impartiality towards the Balkan States and when they have received information of the activity of Bulgarian or Servian Bands they have not failed to draw to them the attention of the Gov[ernment]s concerned and to urge stringent measures for their repression.

H[is] M[ajesty's] G[overnment] are firmly convinced that the maintenance of the friendliest relations is desirable in the interests of both countries and it is for this reason that they are anxious that the Greek Gov[ernment] should take every possible step to suppress the Greek Bands.

L. M.

I used to know Mr. Bouchier in Sofia as the mouthpiece of P[rin]ce Ferdinand and no relation is to be placed on his views which are more Bulgarian than the Bulgarians.

Reply as suggested by Mr. Mallet.⁽⁴⁾

C. H.

E. G.

It is quite impossible to give assurances beforehand. The division of the European provinces of Turkey, or of any of them, between the claimants, and the lines on which it ought to be founded, have been the subject of any quantity of writing and any amount of intrigue ever since the Treaty of Berlin; and they will continue to be so.

F.

⁽³⁾ [At this point Mr. Mallet's minute continued "are more largely responsible for the present disorders than Bulgarian or Servian Bands," but these words were crossed out and the sentence finished by Sir C. Hardinge. The following sentence, "In giving figures . . . action of Greek bands" was inserted by Sir Edward Grey.]

⁽⁴⁾ [*v. infra*, pp. 41-2, No. 25.]

No. 24.

Sir F. Elliot to Sir Edward Grey.

F.O. 371/264.

29356/29355/07/19.

(No. 91.) Very Confidential.

Sir,

Athens, D. July 9, 1907.

R. July 15, 1907.

Monsieur Theotoky's suggestion reported in my immediately preceding Despatch⁽¹⁾ may seem at first sight to present few attractions to His Majesty's Government, and an allied Greek Navy may be thought a source of embarrassment rather than an accession of strength in the event of war. Yet the hint that Greece may be compelled to abandon her traditional reliance upon the Western Powers, and to look elsewhere for protection, offers food for reflection.

I have no doubt that the "cajolery," which Monsieur Theotoky said was being brought to bear upon him, is that of Germany. He had just made a casual allusion to the field artillery trials, which have been going on for nearly three months, and in which the superiority of the French gun has daily become more manifest; the exertions of Krupp's agents, backed by the German Legation, to secure the order

⁽¹⁾ [*v. immediately preceding document.*]

becoming more active in proportion as their gun was left behind in the competition. Monsieur Theotoky's remark was that even in such a matter as the choice of a field-piece for the Greek army he found political influences engaged.

If it be true that the Emperor William aspires to make Germany a Mediterranean Power, an alliance with Greece, such as Monsieur Theotoky proposes to us, might be of great advantage to His Majesty. It is possible from this point of view to put a different complexion upon His Majesty's acquisition of the "Achilleion" at Corfu. Instead of being merely an extravagant whim, it may be a part of the general scheme of "cajolery" to be carried out by means of His Majesty's frequent visits to his beautiful property, and the hundred ways he will have of showing his interest in the country in which it is situated. With German political influence supreme in Greece, German commerce would not fail to make rapid headway against less favoured competition. The facilities now enjoyed by His Majesty's Ships in Greek waters in time of peace would probably be withdrawn. These may perhaps be regarded as matters of comparatively small importance: but in anticipation of the contingency of an European war the question, whether the disadvantage of having surrendered Greece to a possibly hostile control would not outweigh the inconvenience of a conditional alliance with so weak a Power, would appear to deserve attentive consideration.

I have, &c.

F. ELLIOT.

MINUTES.

It might be advisable for Sir F. Elliot to sound the Prime Minister as to the effect which such an arrange[men]t, assigning Epirus to Greece, would have on the policy of that country in the rest of Macedonia. If the arrange[men]t comprised an assurance that in return for our support in the reversion of Epirus, Greece would be prepared to withdraw all official countenance from their propaganda elsewhere and generally do what was possible to suppress their bands the question might be worth while considering.

E. G. L.

15 July, 1907.

See separate Minute on 23355.(2)

I. M.

Such an idea is quite out of the question. It implies the partition of Macedonia by H[is] M[ajesty's] G[overnment] which is totally contrary to their policy.

The Greek navy is valueless. In time of war the only advantage to be derived from a friendly Greece would be the use of the Greek harbours. We need not be frightened by the German bugbear in the Mediterranean so long as we hold Gibraltar and have a powerful fleet.

C. H.

An understanding of this kind with Greece is only to be obtained by offending Turkey and Bulgaria: I do not believe that any Power will incur these disadvantages for the sake of the friendship of Greece, which is only of use to the Power which has and can keep the command of the sea in the Mediterranean and to which Greek harbours might be a convenience.

E. G.

(2) [v. immediately preceding document, *min.* by Mr. Brant.]

No. 25.

Sir Edward Grey to Sir F. Elliot.

F.O. 371/264.

23355/23355/07/19.

(No. 90.) Very Confidential.

Sir,

Foreign Office, August 8, 1907.

I have received your despatch No. 90 of the 8th ult[imo],⁽¹⁾ reporting a conversation which you have had with M. Theotoky on the subject of the relations subsisting between H[is] M[ajesty's] Government and that of the Kingdom of Greece, in which the Prime Minister laid stress on the community of interests between the two countries

(1) [v. *supra*, pp. 36-8, No. 23.]

and enquired whether it would not be possible to give some expression to it in a formal agreement.

H[is] M[ajesty's] Government have carefully considered M. Theotoky's proposal. They are gratified by the evidences of goodwill towards this country to which the Prime Minister gave expression in his conversation with you, and are fully alive to the friendly feelings by which the Hellenic Government have consistently been animated in their relations with Great Britain. They are on this account all the more concerned at M. Theotoky's misinterpretation of their present attitude in regard to Anglo-Greek relations. The views of H[is] M[ajesty's] Government in this respect have in no way altered during recent years. The legitimate national aspirations of the Hellenic race have always been regarded with sympathy in this country, and the action taken by H[is] M[ajesty's] Government in regard to Crete should be sufficient evidence to show that they have in no way changed their traditional policy of friendship with the Kingdom of Greece.

As regards, however, the conclusion of a formal arrangement with Greece of the nature suggested by M. Theotoky, H[is] M[ajesty's] Government regret that they are unable to see their way to entering into an undertaking of this kind. It is not in consonance with the principles of H[is] M[ajesty's] Government to bind themselves by secret agreements, and it will readily be seen that an arrangement such as H[is] E[xcellency] has proposed would of necessity have to be kept secret, as its publication might entail disastrous consequences in the Balkan Peninsula.

The sole principle by which the policy of H[is] M[ajesty's] Government in those regions is guided is that of maintaining the political *status quo* while doing everything that is in their power to improve the conditions of government under which the Christian races live. They do not favour one nationality more than another, and if they have been obliged of late frequently to bring to the notice of the Greek Government the reports of H[is] M[ajesty's] Consular officers as to the activity of the Greek bands, it is because, according to their information, those bands have displayed renewed activity in Macedonia.

M. Theotoky is no doubt aware that if it were to become widely known in Great Britain how prominent a part had lately been played by the Greek element in creating disturbances and outrages in Macedonia, this circumstance would leave a painful impression on the minds of the British public which might react on the political relations of the two countries, and H[is] E[xcellency] will not fail to have observed that when asked to give figures in Parliament respecting outrages in Macedonia, H[is] M[ajesty's] Government have hitherto abstained from specifying the very large proportion of them which is due to the action of Greek bands. H[is] M[ajesty's] Government have, moreover, shown complete impartiality towards the several Balkan States, and, when they have received information of the activity of Bulgarian or Servian bands, have not failed to draw the attention of the Governments concerned thereto and to urge upon them stringent measures for their repression.

While H[is] M[ajesty's] Government are unable, for the reasons stated above to enter into any formal agreement with the Hellenic Government, they remain firmly convinced that the maintenance of the friendliest relations is desirable in the interests of both countries, and it is for this reason that they are anxious that the Greek Government should take all possible steps for the suppression of the Greek bands in Macedonia and thereby remove the only grounds which could be productive of any want of harmony between the two nations, or which could possibly lend colour to the supposition that H[is] M[ajesty's] G[overnment] have in any way departed from their traditional policy of cordial friendship and goodwill towards the Kingdom of Greece.

[I am, &c.]

E. G[REY].

Sir F. Elliot to Sir Edward Grey.

F.O. 371/264.

93850/23355/07/19.

(No. 134.) Very Confidential.

Athens, D. October 1, 1907.

Sir,

R. October 12, 1907.

Owing to the absence of Monsieur Theotoky, it was not until yesterday that I was able to convey to His Excellency the views of His Majesty's Government expressed in your despatch No. 90 of the 8th of August⁽¹⁾ with regard to his suggestion of a formal agreement between Great Britain and Greece in anticipation of certain eventualities.

I handed Monsieur Theotoky a copy of your despatch and after reading it attentively he said he wished first of all to express his pleasure and gratification at the friendly and cordial terms in which it was couched. He was, of course disappointed that His Majesty's Government had not seen their way to meet his views, and to conclude an agreement which, he repeated, would be in no way subversive of the *status quo*; but when I insisted on your objection to secret agreements he did not press the point, but merely said that perhaps the day might come when the force of circumstances would compel His Majesty's Government to change their minds and he thought that the recent demonstrations of the strength of the Russophilism of the Bulgarian people indicated that that day might not be far off.

He did, however, desire to disabuse His Majesty's Government of the idea that the Greeks were the principal disturbers of the peace of Macedonia. I reminded him that the date of your despatch was the 8th of August, when there had not yet been time to observe the effect of the recent measures of his Government, which, I gladly recognised, had been considerable.

At this point the Minister for Foreign Affairs came into the room, and after conferring apart with the Prime Minister, left with him some papers. These proved to be the joint communication which had just been made by the Austro-Hungarian and Russian Chargés d'Affaires (and of which you are no doubt already in possession of the text) relative to the interpretation of the 3rd clause of the programme of Muerzsteg⁽²⁾; and a note of a verbal addition to it, warning the Greek Government that they would expose themselves to the most serious consequences if their people continued to impede the pacification of Macedonia. Monsieur Theotoky began reading these papers to himself, and then said he might as well read them aloud to me, and did so.

He appeared at first to perceive only another attempt to make the Greeks responsible for the whole mischief, until I pointed out to him that the written communication was clearly addressed to all the Balkan States. He then said that he would gladly subscribe the principles contained in it, provided, in the first place that the pacification was general and the repression of bands insisted on all round, and in the second place that the *status quo* to which it was proposed to revert was that of 1893, before extension of influence by means of bands was begun by the Bulgarians. It would be manifestly unfair that they should be allowed to profit by a situation created by their own misdeeds, as would be the case if a later starting point were taken.

As for the necessity that the repression of mischievous activity should be general, it was obvious. What was happening now? No sooner did the Greek bands slacken their energies than the Bulgarian and Roumanian bands increased theirs. Monsieur Theotoky cited the cases reported in the enclosure to my despatch No. 130 of the 26th ultimo.⁽³⁾ He was responsible before public opinion, and if the public

⁽¹⁾ [v. immediately preceding document.]

⁽²⁾ [v. *Gooch & Temperley*, Vol. V, p. 215, No. 169.]

⁽³⁾ [Not reproduced. The question of the activities of the Greek, Servian, Ruman and Bulgarian bands is dealt with in *Gooch & Temperley*, Vol. V, pp. 100-23, *passim*, v. especially pp. 120-1.]

found that the direct consequence of the non-activity of the Greek bands was the loss of influence by the Greeks and the gain of it by the Bulgarians, he would be made to pay the penalty.

I said that, since he had mentioned public opinion, I would remark that I thought his Government, like its predecessors, was to blame for not taking more pains to direct it. They were not asked to call upon the Greeks to abandon their national aspirations, but to persuade them to renounce the pursuit of them by methods which injured their own cause.

Monsieur Theotoky replied that he must not be supposed not to have employed those arguments. When, in the autumn of last year, he succeeded for a time in keeping the bands quiet, it was by the use of moral suasion upon the heads of the Committees here. But when the cessation of Greek was immediately followed by the revival of Bulgarian activity, all the effects of his arguments was [*sic*] swept away. So it would always be until the repression of the disturbing elements was carried out without favour to one or another.

I told His Excellency that he might count on His Majesty's Government using their influence with absolute impartiality for the repression of disorder, and that he might be assured of their goodwill so long as his Government pursued the wise course. I asked him what was being done about the Greek officers in Macedonia. He said the materials were not yet completely gathered, and at this moment every one was busy with the manœuvres; but it was his firm intention to send them before a Court-Martial. I said that would produce an excellent impression.

The written communication of the two Governments was published in most of the Athens newspapers this morning.

The German Chargé d'Affaires received instructions to speak to the Minister for Foreign Affairs in support of it, and executed them to-day.

I have, &c.

F. ELLIOT.

MINUTE.

If the Prime Minister fulfils his intention of sending the officers who have joined the bands before a Court Martial he will have given a striking proof of his good faith and will have done much to pacify Macedonia.

C. H.
E. G.

No. 27.

Sir Edward Grey to Sir F. Bertie.

F.O. 371/264.

37274/37274/07/19.

(No. 622.)

Sir :—

Foreign Office, November 7, 1907.

Monsieur Cambon told me to-day that the King of Greece was in Paris, and had spoken very seriously of the importance of the position of Greece in the Eastern Mediterranean, and of the value to France, Italy and England of seeing the position of Greece there preserved. England had refused in past years to support Denmark against Germany, and the result was that the Baltic would be turned into a German lake closed to England. In the same way, if Greece were left to her fate, the eastern Mediterranean, including the Adriatic, would eventually become a German lake.

The King of Greece had asked the French Government to authorise Admiral Fournier, who, though a retired officer, being in the Reserve could not accept the position without authorisation, to undertake the task of re-organising the Greek naval defences. For this purpose a loan was necessary. The loan could not be raised without the consent of the Greek Financial Commission, and it was assumed that the German delegate on the Commission would oppose any such loan.

The French Government had replied that their representative on the Commission would not make difficulties, and the King of Greece was going to approach this country, whose disposition in the matter he did not know. The French Government suggested that the project was one to be supported.

I said that, from the political point of view, the strengthening of Greece in this way would be very desirable. But the Greek Army, I believed, was perfectly useless, and I very much doubted the capacity of the Greeks, even if they had the money, to create an efficient naval force.

I did not know whether there was anything in the obligations of the Commission itself which was an obstacle to our giving our consent to a new loan; but apart from that I could not imagine that we were likely to make difficulties.

Monsieur Cambon told me that the King of Greece complained that the disposition of this country towards Greece had changed.

I said that the action of the Greek bands in Macedonia had no doubt alienated a great deal of sympathy; and it seemed to me perfectly useless for Greece to attempt to carve out for herself in Macedonia a position which she could not in the long run maintain against the Bulgarians. But we were as desirous as ever to see Greece able to take care of herself; and our action in Crete had been very favourable to her influence and to the strengthening of her position in the Mediterranean.

I am, &c.

E. GREY.

No. 28.

Sir Edward Grey to Sir F. Elliot.

F.O. 371/264.

37612/37274/07/19.

(No. 122.) Secret.

Sir,

Foreign Office, November 21, 1907.

I transmit herein copy of a Memo[*randum*] by Adm[*iral*] Fournier, which was recently communicated to a high personage by the King of Greece, relative to a proposal for the reorganization of the Greek Navy and the possible advantages to be derived from such reorganization by Great Britain and France.

You will observe from my Desp[*atch*] to Sir F. Bertie No. 622 of Nov[*ember*] 7⁽¹⁾ (Conf[*idential*] Print S[*outh*] E[*astern*] Europe Section I of Nov[*ember*] 7) that the French Ambassador has spoken to me on the subject and has pointed out that a loan will be necessary, which cannot be raised without the assent of the International Financial Commission.

I request that you will communicate this Memo[*randum*] to the British member of the Commission and consult him as to whether means are available to carry out such proposals and whether the project would be likely to meet with opposition on the part of his colleagues.

[I am, etc.,

E. GREY.]

Enclosure in No. 28.

Memorandum by Admiral Fournier.

Note pour Sa Majesté le Roi de Grèce.

Paris, September 8, 1907.

Dans l'impossibilité d'arriver à Marienbad en temps utile je dois me borner à exposer très sommairement à Votre Majesté les raisons que je comptais faire valoir dans l'esprit si avisé du Roi d'Angleterre sur une question de politique maritime

(¹) [*v. immediately preceding document.*]

intéressant, à mon sens, les hommes d'État de l'Empire Britannique, puisque [sic] ce genre de politique est celui qui les préoccupe avec raison par dessus tout. Dans le cas d'une guerre qui mettrait aux prises les forces unies de l'Angleterre et de la France, ou d'une seule de ces flottes, avec celles de l'Europe centrale ou de la Turquie, la Grèce aurait à jouer un rôle important—et peut être même décisif—si elle disposait alors d'un état naval approprié aux nécessités stratégiques d'une lutte de cette nature se déroulant autour de son archipel dans le cadre étroit et accidenté du bassin oriental de la Méditerranée. La Grèce pourrait en effet mettre alors à la disposition de l'un ou de l'autre des deux parties antagonistes les ressources de son champs stratégique. Elle offrirait donc à nos flottes les abris de ses ports et de ses îles et leur donnerait la sécurité nécessaire sur leurs voies de communication avec l'Adriatique Constantinople, l'Asie Mineure, l'Égypte et l'Extrême Orient, en les fermant à leurs adversaires—ou bien, au contraire elle étendrait vers ces routes le rayonnement offensif d'une nombreuse flotille de torpilleurs et de submersibles pour y multiplier de nuit et de jour contre nos vaisseaux et leurs convois des attaques par surprise ou invisibles, dans les conditions les plus avantageuses pour l'assaillant et les plus redoutables pour les bâtiments de haut bord qui en seraient les objectifs. En supposant même que la marine anglaise n'estime pas nécessaire les concours qu'elle pourrait trouver, en temps de guerre, dans les ports Helléniques, elle ne devrait pas moins considérer l'Archipel grec, de même que la flotte japonaise celui des Philippines, comme un centre stratégique dont on doit apprécier l'importance, d'après les avantages décisifs qu'il assurerait à l'ennemi si celui-ci pourrait en disposer à son profit, beaucoup plus que par l'aide qu'on pourrait y trouver soi-même en l'employant comme base d'opération nouvelle.

C'est en s'inspirant de *ce point de vue maritime* que l'Angleterre et la France devraient régler leur attitude vis-à-vis de la Grèce, en vue de la détourner, par une politique *amicale et titulaire* de l'influence *attractive* des grandes puissances voisines de l'*Europe Centrale* ! Il est vrai que le pays serait incapable aujourd'hui de tirer profit de sa situation géographique exceptionnelle avec les seuls moyens d'action maritime actuels car ils se réduisent à trois garde-côtes peu rapides, de 4,000 hommes et de vingt ans d'âge, qui réduits à ce nombre insignifiant ne sauraient donc plus donner que la mesure de leur impuissance militaire. Mais ce n'est pas de la Grèce actuelle qu'il faut supporter les ressources maritimes et stratégiques dans le but de rechercher ou de dédaigner son concours maritime éventuel, c'est de *la Grèce de demain*, ayant eu la sagesse sur l'initiative éclairée de son Roi, de substituer dès *maintenant* à sa flotte aussi impuissante qu'onéreuse un état naval tout différent et vraiment efficace. Celui-ci serait en effet mieux approprié aux ressources financières du pays, à ses aptitudes de race et à l'utilisation maritime de sa situation géographique dans le bassin Oriental de la Méditerranée puisqu'il doit en principe être formé d'une nombreuse flotille de contre-torpilleurs et de submersibles à grand rayon, dirigés et soutenus par de petites croiseurs, bien armés, suffisamment protégés et extra rapides.

Qui ne voit pas les dangers incessants de jour et de nuit, qu'une flotille de ce genre cheminant et en travaillant rapidement au passage à l'abri des nombreuses îles de l'archipel grec ferait courir aux flottes ennemies obligées de s'exposer à leur croisière, à leurs embuscades et à leurs invisibles et foudroyantes attaques ? Il faut envisager enfin que le centre du redoutable rayonnement de ces flotilles deviendrait inexpugnable à nos flottes s'il était soutenu directement par les forces militaires de l'*Europe centrale* ce qui aggraverait notre situation périlleuse en nous enlevant la possibilité de détruire par mer ce centre de l'offensive ennemie même en sacrifiant quelques vaisseaux pour y parvenir. Si ces considérations imposent à Votre Majesté la sage mesure de substituer immédiatement à Sa Marine actuelle ce nouvel état naval, le seul propre à donner à la Grèce la force et le prestige auxquels elle doit et peut prétendre elle ne commande pas moins impérieusement aux hommes d'État de l'Empire Britannique et de la France le souci constant d'assurer la protection des

intérêts helléniques notamment en Macédoine et en Crète ainsi que le maintien du "statu quo" dans les Balkans afin de reserrer le plus possible les liens d'amitié traditionnelle qui unissent depuis si longtemps la Grèce à ces *deux grandes Puissances* Méditerranées et d'en obtenir ainsi *surément* le concours éventuel ou la neutralité en temps de guerre.

Tel est en substance ce que je me serais permis de dire au Roi d'Angleterre en m'autorisant de l'extrême bienveillance de Sa Majesté à mon égard si l'occasion m'avait été donnée de le rencontrer.

VICE AMIRAL FOURNIER.

MINUTES.

This is the question on which M. Cambon spoke to the Sec[retary] of State. See Desp[atch] to Sir F. Bertie No. 622 of Nov[ember] 7.⁽²⁾

The loan which would be required for the reorganization of the Greek Navy cannot be issued without the consent of the International Financial Commission at Athens. The decisions are taken by an absolute majority of the votes of the six Commissioners, but apparently no provision is made for the case of the votes being equally divided. I am writing to obtain information on this point.

R. P. M.

In the great European struggle—if it comes—for the maintenance of the balance of Power in Europe, it will no doubt be important for us to detach Italy and to have free use of the Greek harbours but a reorganized Greek Navy would probably prove an embarrassment rather than an assistance.

However there is no reason why we should return anything but a favourable answer—unless there are strong financial objections—to the Greek representations when they come. On the contrary, the French Gov[ernmen]t—or at any rate Monsieur Clemenceau are strongly phil-Hellène—the latter gentleman being almost Byronic in his enthusiasm for this abject race and a friendly attitude on our part would be agreeable to him.

It is however exceedingly unlikely that anything will come of it, as the representatives of the Central European Powers on the Greek Debt Commission are not likely to favour the scheme and Italy as a member of the Triple Alliance will probably be equally hostile.

When we are approached by the Greek Gov[ernmen]t we might consult the Admiralty and ask the opinion of our Commissioner.

If Queen Alexandra wishes to make any reply to Admiral Fournier, H[er] M[ajesty] might say that she has passed on his letter to the S[ecretary] of S[tate] for Foreign Affairs who, she has reason to believe will give his sympathetic attention to any communication which the Greek Gov[ernmen]t may make to H[is] M[ajesty's] G[overnment] on the subject.

L. M.

The Queen has no reply to make to Admiral Fournier but to the King of Greece who gave her this paper. I do not see that she need make any reply at all at present.

The scheme had so far made progress in that Admiral Fournier has been appointed for three years to reorganise the Greek Navy. The French Gov[ernmen]t fully realise that the Greeks are quite unable to maintain in an efficient condition a flotilla of destroyers and submarines, and they have the former experience of the Greek Navy which during the five years that it was under a French Admiral was quite good and efficient, but six months after he had left was absolutely useless. What the French Gov[ernmen]t want is to have the orders for the construction of the destroyers and the submarines.

As however it is our policy to be generally friendly to Greece it would be a mistake to oppose these proposals and the best thing we can do is to send a copy to Sir F. Elliot and instruct him to consult our Comm[issione]r on the Debt as to whether means are available to carry out these proposals and whether the project is likely to be opposed by the Intern[ationa]l Commission.

C. H.

We should at the same time inform M. Cambon of what we are doing.

[C. H.]

Consult our Commissioner on the Debt as proposed and inform M. Cambon.

F. G.

(²) [*v. supra*, pp. 44-5, No. 27.]

No. 29.

Sir Edward Grey to M. Paul Cambon.

F.O. 371/264.

37612/37274/07/19.

Important.

Foreign Office, November 26, 1907.

Sir E. Grey presents his compliments to the French Ambassador and, with ref[erence] to his conversation with H[is] E[xcellency] on the 7th ins[tant]⁽¹⁾ resp[ecting] the position of Greece in the Eastern Mediterranean and the possible reorganization of the Greek Fleet, has the honour to state that H[is] M[ajesty's] Minister at Athens has been instructed to communicate with the British Member of the International Financial Commission and to consult him as to whether means are available to carry out such proposal and whether the project would be likely to meet with opposition on the part of the other Commissioners.

Should any definite proposals be formulated, H[is] M[ajesty's] G[overnment] would give them their favourable consideration.

⁽¹⁾ [*v. supra*, pp. 44-5, No. 27.]

[*ED. NOTE.*—The International Financial Commission consented to a surtax on tobacco to cover a loan from France for the reorganization of the Greek Navy, and the construction of the Sparta Railway. It was proposed to invite Admiral Fournier to visit Athens in March, 1908, with a view to his being lent by the French Government to reorganize the navy. This plan was abandoned owing to pressure of Greek public opinion, and in December, 1908, the Prime Minister announced that the project of the loan had consequently failed. The naval preparations were therefore frustrated, and with them the construction of the railway. (F.O. 371/264, 41026/37274/07/19; 41027/41025/07/19, 42221/87274/07/19. F.O. 371/464, 11146/622/08/19; 13345/13345/08/19; 44629/14705/08/19.)]

[*ED. NOTE.*—The following account of negotiations relating to Gibraltar in 1870 is printed from the Private Papers of Lord Clarendon:—

F.O. 361/1.

Lord Clarendon to Mr. Layard.

Private and Confidential.

My dear Layard,

March 15, 1870.

I have not had the means of writing safely to you or I should sooner have answ[er]d your important letter of the 19th ult[im]o.

General Prim adopted a most prudent course as regards himself and us in communicating with you confidentially rather than officially upon the delicate subject of Gibraltar, and for which pray request him to accept my best thanks.

I did not live six years in Spain without being fully alive to the irritation caused in the breast of every Spaniard by the foreign occupation of that Fortress, and I can with truth assure Gen[er]al Prim that if it were possible at this moment to make the change he desires we should have particular pleasure in doing so while he is in power, as we admire the liberal principles on which his Gov[ernment] is conducted and have watched with deep interest the struggle so gallantly made by that Gov[ernment] against difficulties almost unparalleled.

General Prim however cannot be aware as I am of the obstacles we sh[oul]d have to contend ag[ain]st in any attempt to comply with his request, or how sensitive and vigilant the British Public are on the question of Gibraltar, particularly at this moment when the opening of the Suez Canal makes it of the utmost importance to us, with reference to free commun[icatio]n with India, not in any [way] to weaken ourselves in the Mediterranean. So strong is this feeling at present that I am certain Parliament would not permit the cession of Gibraltar and that discussion upon it would inevitably augment difficulties for the future.

Cuba would not at all answer the purposes for which we desire to retain possession of Gibraltar, and Gen[er]al Prim will know much better than myself what an enormous outlay would be required to place it in a proper state of defence, etc. etc. We are economizing in every direction and the Minister who proposed such an expenditure would simply be met by a vote of censure.

The case of the Ionian Islands is not an analogous one. . . .⁽¹⁾

I was of course obliged, but in *strict confidence* to consult my colleagues upon Gen[er]al Prim's letter but neither to Rances or Olozaga or to any one else has it been or will it be mentioned. Pray assure Gen[er]al Prim of this.

Y[ou]rs sincerely,
CLARENDON.

⁽¹⁾ [The argument on this subject is omitted as of no special interest.]

CHAPTER LXII.

PORTUGAL AND THE BRITISH ALLIANCE, 1904—11.

[*ED. NOTE.*—The relations between Great Britain and Portugal centre round three points during these years. First, the Arbitration Agreement and subsequent suggestions for drawing closer the bonds of the Alliance; next, the traditional British solicitude for the personal safety of the Portuguese Royal Family during periods of disturbance; and, last, the anxiety of the two Governments with regard to the supposed attempt of a Foreign Power (*i.e.* Germany) to secure a harbour in one of the Portuguese Colonies. It has not been found possible in practice to separate these matters, but the above may serve to indicate the principle followed in selecting the papers. After October 1910 the question of recognising the revolutionary government complicated the story.

An Arbitration Agreement between Great Britain and Portugal was signed at Windsor, on November 16, 1904, during the visit of the King of Portugal. The Text is in *B.F.S.P.*, Vol. 97, pp. 68-9. The preamble contains the following paragraph :—

“ Being moreover desirous of confirming, by a further solemn Agreement, the friendship and alliance which have happily subsisted for so long a period between them, and the two nations which they represent, and of eliminating, as far as possible, from their mutual relations everything which might tend to impair or weaken that friendship and alliance, . . . ”

It is important to note that the term “ Treaty of Windsor ” has been inaccurately applied to the Anglo-Portuguese secret Declaration of October 14, 1899 and that the term gave rise to misapprehension in Germany. This was pointed out in an *Ed. Note* in *Gooch & Temperley*, Vol. I, p. 99. But the Editors were not then aware that incorrect references to the Declaration have been made by British diplomats. (*cp. infra*, p. 54, No. 34, *min.* by Sir C. Hardinge, and *notes* ⁽³⁾ and ⁽⁵⁾, also p. 53, *Ed. note*, and *note* ⁽¹⁾.) As will be seen, there is an evident confusion between the Declaration made in London in 1899, and the Arbitration Agreement signed in 1904, the latter of which was properly the Treaty of Windsor. Apparently the effects of this confusion could not be corrected. Probably for this reason German diplomats were misled and have naturally been followed by historians. For a discussion of Prince von Bülow’s possible knowledge of the Declaration *v. Berliner Monatshefte für internationale Aufklärung*, February 1931, pp. 183-6.

An interesting conversation in which the Marquis de Soveral described his views on the Anglo-German Convention of 1898 is reported in a despatch of April 2, 1912, by the French *Chargé d’Affaires* at London. *v. D.D.F.*, 3^{me} Sér., III, pp. 296-8, No. 291. This account does not agree altogether with the record given in *Gooch & Temperley*, Vol. I, pp. 44-87, *passim*, but it gives some important points bearing upon Anglo-Portuguese relations.]

No. 30.

Sir M. de Bunsen to the Marquess of Lansdowne.

F.O. Portugal 1423.

(No. 28.) Confidential.

My Lord,

Lisbon, D. April 1, 1905.

R. April 10, 1905.

I have had the honour to report to Your Lordship in a separate despatch the various incidents of the German Emperor’s visit to Lisbon.

His Imperial Majesty was received with the considerable pomp and splendour which this Court and Government display on State occasions of the first importance. No effort was spared to render due honour to His exalted station, and many of those who had the honour of conversing with His Imperial Majesty during His stay here, have assured me that he expressed himself as well pleased with His visit.

It would be too much to say, however, that His Imperial Majesty’s presence in Lisbon evoked much popular enthusiasm. It was, on the contrary, remarked by all who had witnessed the heartfelt acclamations which greeted Queen Alexandra’s every appearance in public, that the Portuguese people had resumed their habitual impassivity by the time of the Emperor’s arrival among them. Every outward sign of welcome was shown, but there was little if any spontaneous applause.

His Imperial Majesty delivered three speeches during His stay, the first, in German, in reply to a French speech by the King of Portugal at the State Banquet at the Ajuda Palace; the second, in French, at the reception given by the Geographical

Society; and the third, in French, in reply to an address of welcome by the Lisbon Municipal Council. Only the second contained passages going beyond the usual complimentary phrases. As it has received a good deal of comment, I think it my duty to enclose a report of it as published in the Press.⁽¹⁾ The Emperor begins, in this speech, by expressing his pleasure at finding himself in the midst of the learned Body which keeps alive the old traditions handed down by Prince Henry the Navigator and the other great Portuguese explorers. His satisfaction is enhanced by the reflection that Germany and Portugal have become excellent neighbours on both sides of the African Continent. His Imperial Majesty is convinced that both nations will succeed in maintaining peace and order within their respective Colonies, and he adds that "if ever the exigencies of our neighbourhood, of commerce, and of our general relations to each other should require a new understanding ('une entente ultérieure'), you may rest assured that you will find me instigated by the best intentions and by a frame of mind which will contrive to conciliate all the interests involved." In conclusion His Imperial Majesty gave utterance to the hope that the Portuguese possessions in other Continents might continue to advance in the path of civilization till they reached the degree of prosperity attained by the mother country.

It is of course impossible to say what is the precise contingency which would require, in the Emperor's mind, a readjustment of the present relations between the African Colonies of Portugal and the adjoining German possessions. But it is natural that many Portuguese should see in His Imperial Majesty's words an allusion to the failure of this Government to keep in check the serious native rising in South Eastern Angola, and to the situation which might arise in the event of the native insurgents in Damaraland taking refuge across the Portuguese boundary. If this happened, would the Portuguese Colonial Authorities be able to exercise any effective control over the refugees, or would it not rather become necessary to submit to the German forces pursuing their enemy into Portuguese territory and taking over the task of restoring order there and if so, is it likely that Germany would retire from such a position without claiming a rectification of frontier unfavourable to Portugal? Whatever justification there may be for reflections such as these, the speech is held here to show that the German Emperor does not regard the existing frontier arrangements between the two countries in Africa as necessarily permanent.

Admiral Amaral, President of the Lisbon Geographical Society, confided to me a few days ago, in the course of conversation, that the members of that society had not failed to note the difference of tone between the Emperor's speech and that delivered in the same precincts two years ago by King Edward. The latter had afforded much encouragement to the Portuguese nation, whereas the more recent speech had left its hearers in doubt as to the friendly sentiments of the sovereign who delivered it.

It is only right, however, to add that the apprehensions which have been caused in some quarters by the Emperor's speech are not shared by the Portuguese Government. Senhor Villaça, Minister for Foreign Affairs, informs me that in the course of a long conversation at dinner at the German Legation, His Imperial Majesty asserted emphatically his determination that German South Africa should remain a good neighbour to the Colony of Angola. The Emperor had no other conversation with Senhor Villaça or with any of the Portuguese Ministers, except the Minister of War, and Senhor Villaça assures me that, during the entire visit, His Imperial Majesty confined himself to expressions of goodwill and avoided putting forward any demands whatever of a political nature. The Madeira concession was not once alluded to. Senhor Villaça, who has seen King Charles since the Emperor's departure, does not think that the Emperor can have departed from this attitude in speaking with His Majesty. His Excellency is well satisfied with the manner in which the visit has passed off.

I have, &c.

M. DE BUNSEN.

(1) [Not reproduced, as the only relevant extract is quoted in the above despatch.]

No. 31.

Sir F. Villiers to Sir Edward Grey.

[By Bag.]

F.O. 371/116.

9390/4598/06/36.

(No. 21.) Confidential.

Sir,

Lisbon, D. March 10, 1906.

R. March 19, 1906.

I called upon the Minister for Foreign Affairs this afternoon, and, in the course of conversation, took an opportunity of mentioning that reports were once more current with regard to the possibility of certain foreign Powers attempting to obtain a coaling station, or special privileges or facilities for coaling, at one of the Portuguese Atlantic ports. On this occasion the particular place indicated was Horta in the Azores. I had not been directed to make any representation on the subject, as His Majesty's Government did not attach undue weight to these rumours, but I thought it would be a friendly step on my part to inform His Excellency of their existence. I felt sure he would be able to state that they were quite unfounded, and I hoped that any attempt of the kind suggested would be notified to His Majesty's Government. Senhor Villaça replied that when he was in London, in attendance upon the King of Portugal, he had learnt from Lord Lansdowne the great importance with which His Majesty's Government viewed this matter, and on his return to Lisbon he had communicated with the President of the Council and with his other colleagues most directly concerned. The Portuguese Government were carefully watching the question, and precise instructions had been given to their colonial authorities. No concession had been made, and there was no intention whatever of granting to a foreign Power either a coaling station or any special privileges. If an attempt were made to gain a footing in the Azores, or elsewhere, His Majesty's Government would certainly be informed.

I thanked Senhor Villaça and told him I would report what he had said.

I have, &c.

F. H. VILLIERS.

No. 32.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/116.

1172/4598/06/36.

(No. 27.) Confidential.

Sir,

Lisbon, D. April 1, 1906.

R. April 6, 1906.

In order to avoid the possibility of a misunderstanding, I read to the Minister for Foreign Affairs yesterday the paragraph in my despatch No. 21 of the 10th ultimo,⁽¹⁾ where I report the statement made by his predecessor that the Portuguese Government were fully aware of the importance which His Majesty's Government attached to the question of any foreign Power obtaining a coaling station or special coaling facilities at one of the Portuguese Atlantic ports, that no concession had been given nor was there any intention of granting one and that if an attempt were made to obtain a footing in the Azores, or elsewhere, His Majesty's Government would certainly be informed.

Senhor de Lima confirmed without hesitation the assurances given by Senhor Villaça.

I have, &c.

F. H. VILLIERS.

(1) [v. immediately preceding document.]

Sir F. Villiers to Sir Edward Grey.

F.O. 371/116.

23170/21531/06/36.

(No. 50.) Very Confidential.

Lisbon, D. June 28, 1906.

Sir,

R. July 9, 1906.

I received a visit yesterday afternoon from Senhor João Franco, the President of the Council. He dwelt at some length, and, if possible, in more emphatic terms than the Minister for Foreign Affairs, upon the friendly sentiments which he and his colleagues entertain towards England, and their sense of the importance to Portugal of maintaining the good relations which exist between the two countries. He took no special credit to the Government for this, as they only represented, while fully sharing, the feeling which animated the whole Portuguese nation.

With regard to the position held by Portugal, Senhor João Franco said that the country was poor and could not afford any extensive naval armament. But the Government were seriously contemplating a reorganisation of the army, plans for which had been approved by the King, and the result would be a military force, composed of good material, efficient and numerically strong enough to make Portugal a valuable ally to Great Britain in eventualities which might possibly arise.

In answer to remarks of mine respecting the development of various commercial interests, His Excellency said that happily the time was gone by when proposals to open up this country and its colonies were viewed with suspicion. At present it was the policy of the Government, warmly supported by public opinion, to welcome and encourage the introduction of British capital and enterprise.

Senhor João Franco spoke very earnestly throughout our interview, and, considering his high character and reputation, I have no doubt that he will be consistent in maintaining the views to which he gave expression.

I have, &c.

F. H. VILLIERS.

[ED. NOTE.—The following despatch was originally drafted in June 1906 after the receipt of the comments of the Director of Military Operations upon Sir F. Villiers' despatch No. 42 of May 27 (*cp. infra*, p. 53, No. 34, note (1)). The draft was amended at the beginning of July as the result of criticisms whose nature is indicated in the following note by Sir Edward Grey:—

“Objection has been taken to the last paragraph of our draft on the ground that it might be construed to commit us to defend Lisbon and Oporto under all circumstances, while all we are bound to defend is conquests and colonies.

The meaning of the treaty clearly is that we refuse to let any other Powers take away any Portuguese conquests or colonies; not that we engage in war because Portugal does. If she was involved in war we might remain neutral, so long as her enemy did not touch her conquests or colonies.

I have now suggested a new tail to our draft, which might be printed and circulated instead of the original one. It can then be discussed again at the C[ommittee of] I[mperial] D[efence].”

The original draft ended with the following paragraph, which came immediately after “rendered by this country to Portugal” which then ended the last but one paragraph. The last four lines of the revised draft “though in the event . . . sea” were substituted for it:—

“H[is] M[ajesty's] Gov[ernment] are of opinion that the naval supremacy of this country constitutes in itself a sufficient protection to Lisbon and Oporto against any attack by sea, and, as far as the interests of Great Britain in the security and independence of Portugal are concerned, they are disposed to regard the question of the land defences of that country as of greater importance than those on the coast.”

The revised draft was sent to the Committee of Imperial Defence, whose approval was transmitted to the Foreign Office on February 22, 1907.]

No. 34.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/116.

21168/19192/06/36.

(No. 11.) Confidential.

Sir,

Foreign Office, February 27, 1907.

I received in due course, and have carefully considered with the assistance of the Naval and Military Advisers to His Majesty's Government, your despatch No. 42 of the 27th May last⁽¹⁾ inclosing a report of a conversation between Colonel Lowther and Colonel Bocage, President of the Portuguese Fortification Commission, with regard to the general question of the fortification of Lisbon and Oporto.

His Majesty's Government are in no doubt as to the nature of their engagements towards Portugal, and they recognize that the treaties of alliance which have from time to time been concluded between the two countries remain in full force, together with the obligation on the part of His Majesty's Government to defend and protect all conquests or Colonies belonging to the Crown of Portugal.

They hold, however, that there would be no advantage in entering at the present juncture upon discussions, whether official or informal, with the Portuguese Gov[ernmen]t as to the nature and extent of the assistance that might in certain circumstances be rendered by this country to Portugal, though in the event of Portugal and Great Britain being engaged together in war against one or more Powers H[is] M[ajesty's] Gov[ernmen]t consider that their fleet would be a sufficient protection against any sustained attack on Portugal by sea.

I am, &c.

E. GREY.

MINUTES.

I regret that the existence of the above correspondence has not been brought to my notice until now. . . .⁽²⁾

The Admiralty, in their letter of March 1, 1905, clearly indicate that from the point of view of British interests, the important portion of the defences of Lisbon is that to landward, it being assumed that if Portugal were involved in any war against a maritime State, England would by her fleets prevent any attack on Lisbon by sea, in accordance with the obligations embodied in the ancient treaties of alliance.

Colonel Bocage's request for information went however farther than this. He wants to make his plans for defence not only of Lisbon but also of Oporto depend on whether England will send troops to aid in such defence, and if so, how many.

The D[irector of] M[ilitary] O[perations] rightly points out that the answer to this question must in the first instance depend on the extent to which, and the circumstances in which, England is prepared to render assistance to Portugal. This is a political question. That we are bound, by our treaty engagements, to defend Portugal against external aggression, has been distinctly recognised. I am under the impression that some confidential communications passed on this subject with the Portuguese government on the occasion of King Edward's first visit to Lisbon after his accession. But if so, it is one of the embarrassing cases, where no official records have been kept for the use of this office. However that may be, it may, I think, be

(1) [Not reproduced. The reference is to a discussion on May 24 between these two officers as to the details of fortifications, &c. It involved inquiries as to the value of the treaty obligations of their respective countries. As regards the latter, both officers appeared to be in some doubt through lack of information. This explains Sir Edward Grey's statement of our engagements in the present despatch. It is important to note that a private letter from Sir F. Villiers to Sir E. Barrington of March 22 (F.O. 371/116, 21168/19192/06/36) shows that he considered Sir Edward Grey's despatch "for my information and guidance in case the matter of military co-operation with Portugal should be more formally raised, and that for the present at least, no communication to the Portuguese Gov[ernmen]t is required."]

(2) [The correspondence to which reference is here made took place in 1904-5 between the Foreign Office and the War Office and Admiralty. It has not been thought necessary to reproduce it as its tenour is sufficiently indicated in the above minute.]

taken for granted that H[is] M[ajesty's] Gov[ernment] are fully minded to hold to the engagements for the defence of Portugal.⁽³⁾

On the other hand the country has never recently been inclined to fetter itself by laying down in advance what particular action it would take in case of an attack on Portugal. Nor would it be easy to do so. An attack might come from several sides, from Germany, from France, from Spain, from America, or a combination of some of these States. In each of such emergencies, action would depend on circumstances which cannot at present be exactly foreseen. If it were necessary to conclude military and naval conventions with Portugal for the joint employment of the forces of the two countries, the difficulty of providing against every emergency would have to be met. But I do not conceive that there is at present any such necessity, no attack on Portugal being at all likely, and in these circumstances the general understanding that Portugal can count upon England's assistance is probably quite sufficient to meet the case.

When the general question was discussed officially with the Portuguese government in 1873, the occasion was a threatening "coup" on the part of the Spanish republicans. On that occasion, Lord Granville expressly instructed the British Minister at Lisbon to "make it clear that H[is] M[ajesty's] G[overnment] reserve for themselves to judge of the circumstances under which any appeal is made to them by Portugal for succour." (To Sir C. Murray, Feb. 27, 1873.)⁽⁴⁾

For the present, the question has only been raised in a very informal way, and there is no indication of the Portuguese government intending to press us in the matter. In these circumstances it would probably be wise to maintain an attitude of reserve, and say as little as possible,—nothing, for choice. If and when the Portuguese gov[ernment] approach us officially, it will be time enough to consider whether we should make any statement of policy involving particulars.

If this view be accepted, and the question of policy is allowed to remain vague, we cannot of course expect much further assistance in the elucidation of the problem from the military or naval advisers, and Sir E. Grey may think it unnecessary to lay a memorandum on the subject before the Defence Committee, for the present.

E. A. C.

June 23 [1906].

The papers sh[ould] be sent to Lisbon, but we cannot answer Col[onel] Bocage's question, and I see no advantage in discussing at present the form which our assistance to Portugal would take (and which we are certainly pledged to give) under circumstances which have not arisen.

E. B.

There can be no doubt as to our alliance with Portugal which was reaffirmed by our Convention of Oct[ober] 14, 1899,⁽⁵⁾ of which I annex a copy, together with the obligation "to defend and protect all conquests or Colonies belonging to the Crown of Portugal." As I accompanied the King on his first visit to Lisbon after his accession in 1903 I am able to state that no con[fidential] communications passed on that occasion with the Portuguese Gov[ernment] on this or any other question.

There could be no advantage in discussing at present the assistance which we could render to Portugal if she was attacked, and as we have now adopted the views of the "blue-water" school, the defences which the Portuguese Gov[ernment] should according to our views consider for the land defences of Lisbon and Oporto or rather of the Portuguese-Spanish frontier since Portugal can only be attacked by land through Spain.

C. H.

I agree we cannot be more definite.

E. G.

Draft reply to Sir F. Villiers prepared and submitted to Committee of Imperial Defence.

E. A. C.

Despatch approved and sent off Feb[ruary] 27/07. Send copy of it to D[irector of] M[ilitary] O[perations].

E. A. C.

M[ar]ch 2.

⁽³⁾ [Marginal comment by Sir E. Barrington: "We have certainly in quite recent years reasserted our intention to maintain our ancient Treaties with Portugal and I think this has been stated in Parl[iamen]t. E. B." For the whole question of the British recognition of their obligations to Portugal, v. *Gooch & Temperley*, Vol. I, pp. 88-97, Nos. 113-20, and especially pp. 94-5, *Ed. note.*]

⁽⁴⁾ [Text in *Gooch & Temperley*, Vol. I, pp. 51-2, No. 69, *encl.*]

⁽⁵⁾ [Text in *Gooch & Temperley*, Vol. I, pp. 93-4, No. 118. It was a declaration not a convention. There is no copy attached to Sir C. Hardinge's minute.]

No. 35.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/315.

16440/16440/07/36.

(No. 29.) Confidential.

Sir,

Lisbon, D. May 8, 1907.

R. May 21, 1907.

I have the honour to report that I attended this afternoon the first reception of the Corps Diplomatique by Senhor Monteiro, the new Minister for Foreign Affairs. His Excellency expressed the most friendly feelings towards Great Britain and an earnest desire for the maintenance of the good relations which exist between the two countries.

I mentioned to Senhor Monteiro that since I had been here rumours had more than once been current with regard to attempts by certain foreign Powers to obtain coaling stations, or a footing of some kind, at one or other of the Portuguese Atlantic ports. I had spoken on the matter to his predecessors and had received from them assurances, which I hoped he would renew, that there was not the least intention of granting any such concession and that if proposals of this nature were made His Majesty's Government would be informed. His Excellency replied by stating with emphasis that no change whatever had occurred in the views and intentions of the Portuguese Government.

I have, &c.

F. H. VILLIERS.

No. 36.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/315.

16442/16442/07/36.

(No. 31.) Very Confidential.

Sir,

Lisbon, D. May 11, 1907.

R. May 21, 1907.

Senhor de Magalhães, the late Minister for Foreign Affairs, paid me a long visit yesterday afternoon. In the course of our conversation he alluded to the Madeira question⁽¹⁾ and told me that during the discussions which took place last year the German Minister, Count Tattenbach, had made a suggestion, not amounting, I understood, to a formal proposal, that if Prince Hohenlohe's concession were cancelled German interests should receive an equivalent—a railway concession for instance, or some advantage in the shape of a coaling station. Senhor Magalhães had answered that the island was too small for the first alternative to be taken into serious consideration. With regard to a coaling station he had spoken to Count Tattenbach with great candour. In the first place if war broke out the British would probably have the naval predominance, in which case the German coal would be seized by His Majesty's ships. The situation might possibly be reversed and any British coal at Madeira might fall into the hands of the Germans, to whom it would no doubt be useful. It was unnecessary, however, to enter into such speculations. There was a more immediate and more important side to the question. Portugal had no desire to act in a manner which would give umbrage to any friendly Power, least of all to Great Britain. . . .⁽²⁾

I have, &c.

F. H. VILLIERS.

⁽¹⁾ [*v. infra*, p. 65, No. 52.]

⁽²⁾ [The remainder of this despatch deals with the Anglo-Portuguese dispute in 1890 which Senhor de Magalhães thus described, "the Portuguese, at German instigation, had become embroiled with the English in South Africa." This is omitted as it does not bear on the actual discussion.]

No. 37.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/315.

16443/16443/07/36.

(No. 32.) Confidential.

Sir,

Lisbon, D. May 11, 1907.

R. May 21, 1907.

1. I have the honour to report, with reference to my despatch No. 31, Very Confidential, of to-day,⁽¹⁾ that Senhor Magalhães, whom I met again this afternoon, informed me that, in pursuance of his policy of close friendship with Great Britain, he had intended while in office to propose a reaffirmation of the Anglo-Portuguese alliance and an agreement providing in certain eventualities for military co-operation. His work at the Ministry and in the Cortes had, however, been too incessant and he had not been able to carry out his intention. As Senhor Magalhães is no longer a Member of the Government I merely replied that I quite realized how arduous his labours had been.

2. The desire to conclude some such arrangement has received an impulse, or may even have originated, from the reports relative to the King's visit to Carthage and it is likely that the new Minister for Foreign Affairs, or perhaps the President of the Council, may make proposals of the kind indicated.

3. With regard to a military agreement I am acquainted with the views of His Majesty's Government and, if the communication is made to me, I could answer in the terms of your despatch No. 11 Confidential of February 27,⁽²⁾ that they hold that there would be no advantage in entering at the present junction [*sic*] upon discussions as to the nature of the assistance which might in certain cases be rendered by England to Portugal, though in the event of the two nations being engaged together in war against one or more Powers His Majesty's Government consider that their fleet would be a sufficient protection against any sustained attack on Portugal by sea. But I should also be glad to know whether His Majesty's Government would be inclined to entertain the idea of some agreement of a general character which, to use Senhor Magalhães' expression, would reaffirm the alliance. If not, it would be preferable that the proposals should not be made. The Portuguese are extremely sensitive on the matter and it would be difficult to avoid offence if no response were made to their advances. I could probably find some opportunity of intimating that in the opinion of His Majesty's Government there is no need to confirm the alliance which exists and indeed that any proposal to that effect would rather imply what is contrary to fact that the relations between the two countries are not of a sufficiently close and friendly character.

I have, &c.

F. H. VILLIERS.

MINUTES.

Sir F. Villiers despatch deals with 2 points :—

- (a) a reaffirmation of the Anglo-Portuguese alliance,
- (b) an agreement to provide for military cooperation in certain circumstances.

As regards (b) Sir F. Villiers was informed in Feb[ruary] last (21168/07)⁽²⁾ of the views of H[is] M[ajesty's] Gov[ernment] and might be authorized, if pressed, to reply as he proposes in para[graph] 3.

With reference to (a) Sir F. Villiers considers it possible that some proposals may be made by the new M[inister for] F[oreign] A[ffairs], though it is hard to see how the King's recent visit to Carthage could reasonably give rise to anything of the sort. It is more likely that the new Foreign Minister wants to show what he can do.

Nothing has occurred recently to render necessary any reaffirmation of the alliance existing between Great Britain and Portugal, of the duties of which H[is] M[ajesty's] Gov[ernment]

(1) [*v.* immediately preceding document.]

(2) [*v. supra*, p. 53, No. 34.]

are fully conscious. Such a reaffirmation could hardly fail to give rise to the feeling that some doubt had been expressed about it by one or other of the Parties.

? Instruct Sir F. Villiers if he finds a suitable opportunity to convey an intimation to the M[inister for] F[oreign] A[ffaires] in the sense of the last sentence of his despatch. He might perhaps in some way make it plain that H[is] M[ajesty's] Gov[ernment] fully recognise the alliance with Portugal.

He sh[ould] speak as he proposes.

G. S. S.

E. A. C.

May 21.

E. B.

If the question of the re-affirmation of the Anglo-Portuguese alliance is raised, Sir F. Villiers can reply in the sense of the second paragraph of Sir E. Grey's desp[atch] No. 11 of Feb[ruary] 27.⁽³⁾ The words used are in themselves a re-affirmation of the binding force of the treaties and of our responsibilities.

C. H.

I think that the Portuguese suppose us to have been negotiating some naval or military convention with Spain. Sir F. Villiers might re-assure them on this point and say that though in recent years we have acted with Spain to preserve the status quo in the region in which Spain Portugal and ourselves are particularly interested and expect to continue to do so, we are not likely to have with Spain an agreement so explicit in its terms as the secret treaty with Portugal which already exists; and in view of the fact that that Treaty of 1642 was re-affirmed in 1899 there does not seem any occasion to do it again. Sir F. Villiers might also point out the language which he had already been empowered to use by the second paragraph of my despatch referred to.

E. G.

(³) [*v. supra*, p. 53, No. 34.]

No. 38.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/315.

16440/16440/07/36.

(No. 30.) Confidential.

Sir,

Foreign Office, May 25, 1907.

With reference to your despatch No. 29 Confidential, of May 8th last,⁽¹⁾ in which you report your conversation with Señor Monteiro on the occasion of his first reception of the Diplomatic Body, I have to request you to convey to the Minister for Foreign Affairs the thanks of H[is] M[ajesty's] G[overnment] for his cordial expressions of friendship.

You should add that H[is] M[ajesty's] G[overnment] are pleased to note that the Portuguese Gov[ernment] maintain their attitude with regard to Concessions to Foreign Powers for Coaling stations at Portuguese Atlantic Ports.⁽²⁾

[I am, &c.

E. GREY.]

(¹) [*v. supra*, p. 55, No. 35.]

(²) [*v. supra*, p. 51, No. 31.]

No. 39.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/315.

16443/16443/07/36.

(No. 32.) Confidential.

Sir,

Foreign Office, May 29, 1907.

I have received and carefully considered your despatch No. 32 of the 11th inst[ant]⁽¹⁾ on the subject of Anglo-Portuguese relations in which you state that

(¹) [*v. supra*, p. 56, No. 37.]

you consider it not unlikely that the new Min[ister] for Foreign Affairs, or President of the Council, may make proposals with regard either to a reaffirmation of the Anglo-Portuguese alliance, or to a joint agreement providing for military co-operation in certain circumstances.

In the latter event, you are already acquainted with the views of H[is] M[ajesty's] Gov[ernmen]t, and should this question be raised by the Portuguese Gov[ernmen]t you might reply in the sense of the last para[graph] of my desp[atch] No. 11 of February 27th last.⁽²⁾

As regards a reaffirmation of the Anglo-Portuguese alliance it appears to me that any doubts which the Portuguese Gov[ernmen]t may feel on this account may not improbably be due to some idea that H[is] M[ajesty's] Gov[ernmen]t have been negotiating some naval or military convention with the Spanish Gov[ernmen]t.

You are authorized, if necessary, to reassure the Port[ug]ue[se] Gov[ernmen]t as to this, and to say that altho[ugh] during recent years H[is] M[ajesty's] Gov[ernmen]t have acted, and expect to continue to act, in concert with the Spanish Gov[ernmen]t for the preservation of the *status quo* in those regions in which Great Britain, Spain and Portugal have special interests, H[is] M[ajesty's] Gov[ernmen]t have not contemplated an agreement with Spain of so explicit a character as the Treaty which already unites this country to Portugal. You should add that in view of the fact that the Treaty of 1642 was reaffirmed so recently as 1899 [and 1904]⁽³⁾ there seems to be no occasion for reaffirming it again now for H[is] M[ajesty's] Gov[ernmen]t recognize its force and obligations.

[I am, &c.]
E. G[REY].

(2) [*v. supra*, p. 53, No. 34.]

(3) [*v. Sir Edward Grey's telegram of June 17, quoted in Ed. note immediately following.*]

[*ED. NOTE.*—The following private correspondence arose in connection with the above despatch:—

F.O. 371/315.
16443/16443/07/36.
Private.

My dear Eric,

British Legation,
Lisbon, June 12, 1907.

In your despatch No. 32 Conf[idential] of May 29 you speak of the Treaty with Portugal having been re-affirmed in 1899. Should not the reference be to the Agreement signed at Windsor on the 16th of November 1904?

F. H. VILLIERS.

The omission was a slip and can easily be rectified.⁽¹⁾

E. B.
C. H.

Sir E. Barrington,

With ref[erence] to Sir F. Villiers' letter of June 12, I annex a copy of the "Arbitration" Agreement with Portugal of Nov[ember] 16, 1904, of which para[graph] 3 of the Preamble refers to the ancient alliance and friendship between Great Britain and Portugal.⁽²⁾

June 17, }
4.30 P.M. } ? Tel[egram] to Sir F. Villiers.

'Your letter to Barrington of June 12. In last sentence of my desp[atch] No. 32 please insert after '1899' words 'and 1904.'

G. S. S.
June 17.
E. B.]

(1) [This is rather obscure. The Declaration of 1899 was made in London and reaffirmed the old Treaties. The Arbitration Agreement of 1904 was signed at Windsor and might properly be called the Treaty of Windsor. This, however, does not wholly explain the legend of a Treaty of Windsor in 1899. An examination of the Agreement of 1904 and the Declaration of 1899 (*v. Gooch & Temperley*, Vol. I, pp. 93-5, No. 118) shows that a slip is admitted above where in fact there was no slip.]

(2) [*v. supra*, p. 49. *Ed. note*, and *infra*, p. 68, *Ed. note.*]

No. 40.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/315.

19919/16443/07/36.

(No. 41.) Confidential.

Lisbon, D. June 11, 1907.

Sir,

R. June 17, 1907.

During a visit which I paid yesterday to the Minister for Foreign Affairs our conversation turned upon the sensational reports which have been current with regard to the state of affairs in this country, and also upon the fear which continues to find expression that some arrangement constituting a possible danger to Portugal has been concluded between Great Britain and Spain.

I took the opportunity, acting on the authority granted in your despatch No. 32 Confidential of May 29th (16443)⁽¹⁾ to inform His Excellency that His Majesty's Government had not negotiated a naval or military Convention with the Spanish Government. They had acted during the recent years and expected to continue to act in concert with the Spanish Government for the preservation of the *status quo* in those regions where Great Britain, Spain and Portugal had special interests, but they had not contemplated an agreement with Spain of so explicit a character as the Treaty which already unites Great Britain to Portugal and which, having been so recently reaffirmed, fully meets all present requirements.

Senhor Monteiro thanked me for this communication which he would at once bring to the knowledge of the Prime Minister. He assured me, however, that the rumours in circulation made no impression whatever upon the Portuguese Government. They trusted absolutely to the friendship and goodwill of His Majesty's Government who, they felt convinced, would take no action involving danger or detriment to Portuguese interests.

I have, &c.

F. H. VILLIERS.

⁽¹⁾ [v. immediately preceding document.]

No. 41.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/509.

3603/3603/08/36.

Tel. (No. 4.) Secret.

Lisbon, D. February 1, 1908, 8.35 P.M.

R. February 2, 1908, 7.30 A.M.

The Marquis de Soveral has brought me a message from the Prime Minister. There is danger of serious disturbances following the terrible event of this afternoon,⁽¹⁾ and Prime Minister thinks and Marquis of Soveral agrees that some of H[is] M[ajesty's] ships should be at Lagos or somewhere at hand with instructions to come here on receipt of a message from me.

I shall see Marquis of Soveral to-morrow and will telegraph again.

⁽¹⁾ [On February 1, 1908, King Carlos I and his eldest son—the Crown Prince—were assassinated in the streets of Lisbon. He was succeeded by his second son Manoel, who reigned until 1910, when the monarchy was overthrown by a revolution. v. *infra*, p. 72, note ⁽²⁾.]

No. 42.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/509.
 3605/3603/08/36.
 Tel. (No. 1.)
 Secret.

Foreign Office, February 2, 1908.
 D. 4.30 P.M.

Orders have been sent to the Atlantic squadron and the 1st Cruiser squadron to proceed at once from Vigo and Gibraltar to Lagos.

In the event of a request being made for their presence in the Tagus you should inform me at once with full explanations.

No. 43.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/509.
 3605/3603/08/36.
 Tel. (No. 3.)

Foreign Office, February 3, 1908.
 D. 3 P.M.

You should act in accordance with my telegram No. 1, Secret⁽¹⁾ of yesterday if case arises, but it must be borne in mind that any interference of British Ships except as an asylum to the Royal Family or to protect British lives or property would be contrary to precedent. We cannot take action which might be construed as interference in internal politics of Portugal.

MINUTE.

The Prime Minister has seen this and approved of it.

E. G.

(¹) [v. immediately preceding document.]

No. 44.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/509.
 3957/3603/08/36.
 Tel. (No. 11.)

Lisbon, February 4, 1908.
 D. 5.20 P.M.
 R. 7.30 P.M.

I have received a telegram from Admiral of Atlantic Squadron announcing his intention of coming to Lisbon to-morrow with nine ships of war. I am replying that it would be better to time his arrival to coincide with that of Prince Arthur of Connaught, who is expected on Friday morning, and that I had heard from Admiralty that he was coming in flag-ship with one cruiser. Has he received orders to the contrary?

I consider presence of so many ships at present inadvisable.

No. 45.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/509.

3957/3603/08/36.

Tel. (No. 4.)

Foreign Office, February 5, 1908.

Y[ou]r tel[egram] No. 11.⁽¹⁾

The Admiral with his flagship and the "Arrogant" only is on his way to Lisbon.

MINUTE.

The Admiralty told me of this confusion late last night and my telegram to Sir F. Villiers⁽²⁾ has crossed his.

E. G.
5.2.08.

⁽¹⁾ [v. immediately preceding document.]⁽²⁾ [v. immediately succeeding document.]

No. 46.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/509.

4525/3603/08/36.

Tel. (No. 5.)

Foreign Office, February 8, 1908.

D. 6 P.M.

Admiralty informed in reply to enquiry that we see no reason why fleet should remain at Lagos.

No. 47.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/509.

4518/3603/08/36.

Tel. (No. 13.) Secret.

Lisbon, D. February 8, 1908, 6.15 P.M.

R. February 9, 1908, 8.30 A.M.

Funeral ceremony has passed without any attempt at disorder and all is quiet. Portuguese Gov[ernmen]t however hope that ships now here will remain until Monday afternoon and that squadron will not leave Lagos until Tuesday. I hope this arrangement may be approved. It will have a good effect and Admiral says will cause him no inconvenience. On this occasion the lying-in-state follows the funeral and (?) that being so officers, possibly Admiral himself, will take part in tomorrow's ceremonies.

MINUTES.

This has crossed our No. 5⁽¹⁾ to Lisbon. Please send to Admiralty and express hope that they will concur. Mark it immediate.

The Admiralty have concurred and Sir F. Villiers has been informed.

C. H.

C. H.

E. G.

⁽¹⁾ [v. immediately preceding document.]

No. 48.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/510.

15226/15226/08/36.

(No. 32.) Confidential.

Sir,

*Lisbon, D. April 29, 1908.**R. May 4, 1908.*

Upon several occasions since Senhor Wenceslau de Lima resumed office as Minister for Foreign Affairs he has impressed on me his conviction that the cardinal point in the external policy of Portugal must be maintenance of the alliance with Great Britain. In the course of one of our conversations he evinced a desire to find some means of strengthening or extending the Treaty relations between the two countries, and I then referred him to the statement showing the views of His Majesty's Government on this matter which I made to his predecessor, Senhor Monteiro, as reported in my despatch Confidential No. 41 of the 11th of June 1907.⁽¹⁾

Last week Senhor Wenceslau de Lima told me that no record of my communication had been kept, so at His Excellency's weekly diplomatic reception on Monday last, the 27th instant, I repeated the statement made to Senhor Monteiro explaining, after a reference to the arrangement concluded with Spain, that in the opinion of His Majesty's Government the Treaty which united Great Britain to Portugal and which has been so recently reaffirmed fully meets all present requirements. I also informed His Excellency, in view of the last paragraph of your despatch No. 11 Confidential of February 27, 1907,⁽²⁾ that I did not think His Majesty's Government would be disposed to conclude a Military Convention with Portugal as had at one time been suggested; indeed they held that there would be no advantage in discussing any such arrangement.

Senhor Wenceslau de Lima said he quite understood the position. He would reflect upon the question and perhaps make proposals of an entirely different character.

I have, &c.

F. H. VILLIERS.

⁽¹⁾ [*v. supra*, p. 59, No. 40.]⁽²⁾ [*v. supra*, p. 53, No. 34.]

No. 49.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/510.

15227/15227/08/36.

(No. 33.) Confidential.

Sir,

*Lisbon, D. April 29, 1908.**R. May 4, 1908.*

With reference to my despatch No. 27 Confidential of April 1 1906⁽¹⁾ I have the honour to report that, at an interview with Senhor Wenceslau de Lima on the 27th instant I reminded him of our conversation held when he was previously in office respecting the acquisition by any foreign Power of coaling stations or special coaling facilities at one of the Portuguese Atlantic ports.

His Excellency at once assured me, as before, that no concession of the kind had been given, that there was no intention of granting one and that if any attempt were made to obtain a footing in the Azores or elsewhere, His Majesty's Government would be informed.

I have, &c.

F. H. VILLIERS.

⁽¹⁾ [*v. supra*, p. 51, No. 32.]

Mr. Lister to Sir Edward Grey.

F.O. 371/584.

23887/6/08/44A.

(No. 275.)

Paris, D. July 10, 1908.

R. July 11, 1908.

Sir,

As I had the honour to report in my Telegram No. 31 of yesterday's date⁽¹⁾ I handed to the Political Director of the Ministry for Foreign Affairs a Note, copy of which is inclosed herewith, in the sense of the instructions contained in your telegram No. 84 of the 8th instant.⁽¹⁾

Monsieur Louis left an appointment in order to receive me, and after reading through the Note begged me to return if possible in the afternoon as he said he would be very glad to have a conversation with me on the subject of Macedonia. He did not conceal from me that he was much preoccupied as to the attitude of Germany in the matter, and inquired whether the information of His Majesty's Government did not incline them to the idea that she meant mischief. I said that I had heard the view discussed that she intended for the moment to leave things alone in Morocco and turn her attention to Macedonia, to which he replied "Ah, if only we could believe that she meant to leave Morocco alone. My idea is that she means to keep the two sores open, both Morocco and Macedonia."

On my return to the Quai d'Orsay in the afternoon I asked Monsieur Louis whether he had any actual proofs of the hostile intentions which he attributed to Germany. He answered no: the official utterances moreover of Monsieur de Schön and even of Prince Bülow to Monsieur Jules Cambon were satisfactory: they were however at the same time very reserved and he had received a series of impressions during the last few weeks which caused him great uneasiness. The utterances of the official Press moreover had been far from reassuring, although they were perhaps less provocative just at present, and possibly the Government felt they had gone a little too far: but there was no doubt that public feeling in Germany was far more irritated now than it had been this time a year ago, and he could not but think that the moment was serious, and that we must be on our guard.

Monsieur Louis again asked me whether I could tell him what your opinion was on the subject. I replied that I had not seen you during the week I had spent in London but that my impression was that the Foreign Office took a less gloomy view of the situation than he appeared to: I had moreover gathered that Monsieur Iswolsky had reason to believe that Germany would not place obstacles in the way of the new Reform proposals.

He said he hoped this might prove the case, but he could not help feeling uneasy.

Before leaving, he showed me the announcement that the German fleet was to go to the Canaries. The objective of their voyage, he said, "ne pouvait que donner à penser"—at a moment when we must be prepared for troubles in the Moroccan ports which now alone remained in the possession of Abdul Aziz. Were the Hafidists to make any attempt to seize them, and were a conflict to ensue, the situation would be rendered far more dangerous by the presence in the vicinity of a German fleet.

Monsieur Louis asked me to consider all his remarks as the expression of his personal opinion and not of those of the Government, but knowing the weight which his views carry at the Quai d'Orsay I have thought it advisable to report them at length.

I have, &c.

REGINALD LISTER.

P.S.—M. Louis promised to let me have an answer to the Note as soon as possible.

R. L.

(1) [Not reproduced, as their tenour is sufficiently indicated.]

Mr. Rennie to Sir Edward Grey.

F.O. 371/510.

27988/27988/08/36.

(No. 66.) Very Confidential.

Sir,

Lisbon, D. July 31, 1908.

R. August 12, 1908.

In the course of a conversation which I had this morning with Senhor Wencesláu de Lima in his private apartments I took the occasion to ask his Excellency if he could give me any information about the negotiations going on between Portugal and Germany regarding the delimitation of certain territory between Angola and Damaraaland concerning which sensational reports had lately been current in the local and especially the foreign press. These rumours had related to certain difficulties which were alleged to have arisen relating to the demarcation of the line between the Falls of Catima on the Zambesi and a point on the River Cubango and the status of the tribe of Cuanhama inhabiting the district on both sides of that line. His Excellency replied that the negotiations were being carried on in a perfectly friendly spirit and were pursuing their normal course and that it was absolutely untrue that any difficulties had arisen. With regard to an alleged interview with the German Minister which had appeared in a Lisbon paper and in which it was implied that divergencies of opinion had arisen, Senhor Wencesláu de Lima said that the article in question had caused Count Tattenbach considerable annoyance and that he had been authorised by him to deny its authenticity in the event of any question on the subject being addressed in the Cortes. He added that if any such difficulties, as those alleged, had arisen, he would have appealed to the good offices of His Majesty's Government.

Senhor Wencesláu de Lima then went on to say that the Portuguese Government had lately been somewhat exercised with regard to the attitude of the German Government but in connection with a different matter, viz: the recent visit of the German Squadron to the Azores. The first official intimation the Portuguese Government had received of the intended visit had been a request from the German Legation for facilities for a coaling vessel. He had a few days later inquired of the German Minister if he could give him any information regarding the proposed movements of the Squadron, but Count Tattenbach had replied that he could tell him nothing official. Subsequently he had received what he described as a somewhat curt note from the German Legation giving a list of the ships composing the Squadron and the places where they proposed to stop. The Portuguese Government had been told that Prince Henry of Prussia was to join the Fleet but not in his official capacity as Commander-in-chief. His Royal Highness had, however, telegraphed from the Azores in that capacity to King Manuel; the message had been of somewhat stiff and formal character and accordingly His Majesty had replied in similar terms. In consequence of the scanty information vouchsafed the Portuguese Government had instructed their local authorities to confine themselves to showing the German Squadron the ordinary official courtesies and accordingly the intercourse between them and the German naval officers had been of a merely formal character. He himself had been given to understand that the reason for the selection of the Azores as the object of the cruise of the Squadron, had been the wish to avoid the British Fleet during the manœuvres in the North Sea, and at the same time to avoid approaching the coast of Morocco. These reasons, which he considered rather slender, had not, however, prevented Prince Henry from going out of his way to touch at Madeira, where civilities had been lavished on the inhabitants of the island and where, His Excellency said, the Germans had apparently been doing their best to ingratiate themselves in every possible manner. The Portuguese Government, said His Excellency, were at a loss to understand the reticence of the German Government in connection with the visit and the meaning of these proceedings.

I have given the above remarks of Senhor Wencesláu de Lima at considerable length, as His Excellency spoke with a good deal of feeling, and it is evident that the

Portuguese Government are sore and consider they have not been treated with the frankness and openness they had reason to expect from a friendly nation.

I have, &c.

ERNEST RENNIE.

MINUTES.

The Germans seem to have behaved in a somewhat clumsy way in connexion with the naval visit to the Azores. They probably regard the Portuguese as too insignificant and too Anglophile to be treated with deference by such a great power as Germany.

W. A. S.

G. S. S.

The Germans are civil enough when they want something. In the Canaries where they are anxious to obtain a concession for a coaling depôt the visit of the Fleet was used to win over local opinion.

W. L.

E. G.

No. 52.

Sir Edward Grey to Sir F. Villiers.

F.O. 368/262.

31231/310/08/136.

(No. 21.) Commercial.

Sir:—

Foreign Office, September 16, 1908.

I have received Mr. Rennie's despatch No. 42, Commercial, of the 1st instant,⁽¹⁾ relative to the Madeira Sanatoria.

I have to draw your attention to the fact that there is no mention in the Bill, copy of which was enclosed in Mr. Rennie's despatch No. 40 of August 27,⁽²⁾ of an International Company to take over the Sanatoria and grounds.

Article IV states, on the contrary, that the right of option is to be given to a Company "with an exclusively Portuguese Board of Directors."

It would, moreover, be desirable that any arrangement which may be reached on the subject should contain some stipulation that the Board should remain permanently Portuguese, otherwise the Hohenlohe Syndicate might gradually obtain a controlling interest on the Board, which would practically be a return to the "Status quo ante."

I am, &c.

[E. GREY.]

⁽¹⁾ [F.O. 368/262, 30469/310/08/136. Not reproduced. A concession for the construction of sanatoria granted to Prince Hohenlohe (Frederick Charles) had been cancelled, and protracted negotiations in reference to compensation had taken place.]

⁽²⁾ [Not reproduced.]

No. 53.

Sir F. Villiers to Sir Edward Grey.

F.O. 368/262.

37126/310/08/13.

(No. 48.) Commercial. Confidential.

Lisbon, D. October 17, 1908.

Sir,

R. October 26, 1908.

The Minister for Foreign Affairs returned to Lisbon on Thursday after an absence of some weeks and it was only this afternoon, on the resumption of his diplomatic receptions, that I was able to take action upon your Despatch No. 21 Commercial of the 16th ultimo (31231/08).⁽¹⁾

⁽¹⁾ [v. immediately preceding document.]

I pointed out to His Excellency that in his conversations with Mr. Rennie he had spoken of a Syndicate composed of British and Portuguese subjects and perhaps also of some Germans, to be formed for the purpose of taking over the Madeira Sanatoria and grounds. The Bill laid before the Cortes however made no mention of any such international Company—indeed Article IV stated on the contrary that the right of option was to be given to a Company with an exclusively Portuguese Board of Directors—and it seemed desirable that any arrangement which might be reached on the subject should contain some stipulation that the Board should remain permanently Portuguese. Otherwise the Hohenlohe Syndicate might gradually obtain a controlling interest on the Board which would practically be a return to the “status quo ante.”

Senhor Wenceslau de Lima answered that he entirely shared this view and he intended that the Board should remain permanently Portuguese. It was necessary to distinguish between the Board and the investors who provided the money to carry on the concern. He had no means of excluding German capital altogether, but the Board would be exclusively Portuguese and, so far as direct control was concerned, he would never consent to any arrangement by which German influence would become predominant. He had ascertained during the discussion which had taken place in the Cortes that all parties were in favour of buying out the Hohenlohe Syndicate, and his idea now was that the Bill should be divided into two parts and that Parliament should vote separately on the points of rescinding the concession and of authorizing the Government to deal with the property. This would dispose of the German interest apart from any other consideration and afford the Government fuller liberty to enter into any scheme, possibly an annual lease instead of a prolonged concession, which might seem most suitable. It was for the Chambers to settle these questions; their decision could not be anticipated, and Senhor Wenceslau de Lima begged that his communication might be considered as strictly confidential.

I took the opportunity of this conversation to mention a promise given by His Excellency while the Bill was under discussion that papers should be laid before the Cortes. I expressed the hope that if it were intended to include any documents relating to communications with His Majesty's Government these would not be published without the previous reference which it is customary to make in such cases. Senhor Wenceslau de Lima said that he would probably desire to show the attitude of His Majesty's Government, but in a manner to which no objection could be taken. In any case, the usual submission would of course be made.

I have, &c.

F. H. VILLIERS.

No. 54.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/723.

16605/16605/09/36.

(No. 21.) Confidential.

Sir:—

Lisbon, D. April 24, 1909.

R. May 3, 1909.

Senhor Alarcão, the new Minister for Foreign Affairs, held his first reception of the Corps Diplomatique on the 19th instant and in the course of our interview replied in cordial terms to some remarks which I made with regard to the friendly relations existing between Great Britain and Portugal.

I called again at the Foreign Office this afternoon and mentioned the interest which His Majesty's Government take in the question of any foreign Power obtaining a coaling station, or special facilities at one of the Portuguese Atlantic ports. Senhor Alarcão unhesitatingly repeated the assurances offered by his predecessors that no such concession had been given, that there was no intention of granting one,

and that if an attempt were made to obtain a footing in the Azores, or elsewhere, His Majesty's Government would certainly be informed. I thanked his Excellency and promised to report what he had said.

I have, &c.
F. H. VILLIERS.

No. 55.

Sir Edward Grey to Sir F. Villiers.

F.O. 368/377.
36328/310/09/136.
(No. 35.) Commercial. Confidential.
Sir,

Foreign Office, October 7, 1909.

I transmit herewith copy of a statement by Dr. M. Grabham on the subject of the supposed aims and schemes of Germany in the Atlantic Islands.⁽¹⁾

You should endeavour to ascertain whether any basis exists for Dr. Grabham's apprehensions, particularly with regard to wireless telegraphy.

I have further to request that you will instruct H[is] M[ajesty's] consul at St. Michael's to furnish a conf[idential] report on the subject.

[I am, &c.
E. GREY.]

⁽¹⁾ [Not reproduced. It referred, among other matters, to the danger of granting exclusive privileges for wireless telegraphy to Germans.]

No. 56.

Sir F. Villiers to Sir Edward Grey.

F.O. 368/377.
40965/310/09/136.
(No. 50.) Commercial. Confidential.
Sir:—

Lisbon, D. October 30, 1909.

R. November 8, 1909.

I have the honour to acknowledge the receipt of your confidential despatch No. 35 Commercial of the 7th instant (36328/09)⁽¹⁾ enclosing a copy of a statement by Dr. M. Grabham respecting the supposed aims and schemes of Germany in the Atlantic islands.⁽²⁾ In accordance with your instructions I have requested His Majesty's Consul at St. Michael's to furnish a confidential report on the subject.

Rumours of the kind mentioned by Dr. Grabham, and by Mr. H. F. Dessen as communicated to me in your despatch No. 56 Confidential of September 3 (32912/09),⁽²⁾ are frequently circulated, but I cannot discover that at the present moment they have any special foundation. It is true that a German fleet touched at the Portuguese islands in the summer of last year but there was a special reason for this cruise and, however the opportunity may have been utilized, I do not imagine that the visit was in pursuance of any fixed plan of acquiring influence in the Portuguese possessions.

If the "further negotiations" now in progress here relate, as would appear from Dr. Grabham's statement, to the grant in favour of the Germans of exclusive privileges for wireless telegraphy and coaling stations, I beg leave to refer to the declarations made to me by successive Ministers for Foreign Affairs, on the last occasions by Colonel du Bocage, the present Minister, as recorded in my despatch No. 31 Confidential, of June 1,⁽²⁾ and 43 Secret of July 31,⁽²⁾ in the latter of which I reported that His Excellency had given me a written declaration to the effect that wireless installations were included in the assurances previously given.

⁽¹⁾ [v. immediately preceding document.]

⁽²⁾ [Not reproduced.]

The question of the Madeira Sanatoria has been recently treated in Mr. Gaisford's despatch No. 38 Commercial of the 2nd ultimo⁽³⁾ and in my despatch No. 44 Commercial of the 1st instant.⁽³⁾ I will only say, with regard to Dr. Grabham's estimate, that the agreement was the result of negotiations following upon expert valuation made on the spot and that the Minister for Foreign Affairs told me only a few days ago that in his opinion the property of the German Syndicate was of very considerable value and that the price fixed was not excessive. I do not know what Dr. Grabham means by his assertion that the provisions of the Madeira concessions have never been allowed to transpire fully. It is possible that Prince Hohenlohe may desire to take part in the new project, but after the repurchase has been effected I do not believe he will retain any hold upon the property for, if reliance can be placed upon emphatic and often repeated assurances given to me by Senhor Wenceslau de Lima, both when he was Minister for Foreign Affairs and since he has become Prime Minister, the whole object of the Portuguese Government has been to get rid of the late concessionnaires and to obtain a free hand in dealing with the matter.

So far as trade in Madeira is concerned Dr. Grabham is right in saying that the Germans are now predominant in several branches—they have the lace manufactures entirely in their hands and they have established an important coaling depôt. But this is due to the commercial activity which they exhibit in so many quarters and, somewhat specially in this instance, to the want of enterprize shown by the British merchants and their inability to march with the times. In this connexion I may observe that, according to the account of various visitors to Madeira, the English hotels, to protect which so much trouble has been taken, are indifferently conducted, or at least fall quite short of the high standard which in these days is required.

I should be glad to learn if there is any record at the Foreign Office of the information conveyed by Dr. Grabham to Lord Lansdowne which saved British traders at Madeira "from ruin and practical expulsion."

I do not think Dr. Grabham is correct in his belief that "the present Portuguese Government have assumed an unusual independence and indifference of manner in treatment of British interests, and a marked tendency to lean upon Germany as a growing Power." On the contrary I am surprised that in view of the Commercial Treaty recently signed with Germany and the delay in proceeding with negotiations for a similar Treaty with ourselves there should not be a greater tendency on the part of the Government and people generally to favour German interests. Even the extreme unpopularity of the Transvaal Mozambique Convention has not, I hope, made any serious impression, except against those who negotiated that instrument on the Portuguese side, and a proof of this was afforded during the discussion in the House of Peers upon Portuguese foreign policy, with special reference to the relations between Portugal and Great Britain, respecting which Mr. Gaisford wrote in his despatch No. 46 of August 5.⁽⁴⁾

The idea of foreign administration for this country is occasionally put forward in a small and conservative set of society. The current of public opinion varies so suddenly here that it is impossible to speak for more than the moment, but I am confident that to-day any such proposal would be wholly repugnant to the people. At any rate if a scheme of this nature were entertained it is not towards Germany that the eyes of the Portuguese would in the first place be turned.

I have, &c.

F. H. VILLIERS.

⁽³⁾ [Not reproduced. *cp. supra*, p. 65, No. 52, and *note* (1).]

⁽⁴⁾ [Not reproduced.]

[*ED NOTE*.—By an exchange of notes between Great Britain and Portugal, under date November 16, 1909, the Arbitration Agreement signed at Windsor on November 16, 1904, was renewed for five years, *v. A. & P.* (1909), CV, (*Cd.* 4953), pp. 887–90.]

No. 57.

Sir Edward Grey to Mr. Gaisford.

F.O. 371/723.

43077/43077/09/36.

(No. 73.) Confidential.

Sir,

Foreign Office, November 22, 1909.

M. du Bocage spoke to me to-day with great emphasis of the intention of Portugal to act with us. He said that he regarded the alliance with us as the most important thing in Portuguese policy, and he insisted upon this several times in the course of our interview. He told me that the Portuguese thought of making their connection with Spain as close as possible, but always in such a way that their policy might continue to be based upon the British alliance. He therefore wished to know how we should view closer relations between Portugal and Spain.

I answered that we were on very friendly terms with Spain, and we did all we could to maintain and encourage this friendship. As Spain was our friend, we should certainly welcome a "rapprochement" between Portugal and her. There could be no mistake about this: it would arouse no jealousy or suspicion in our mind, and we should regard it with entire good-will.

M. du Bocage said he had expected that this would be our opinion. He felt that it was a great advantage for the four countries, England, Portugal, Spain, and France, to stand together; and it was also a great guarantee of peace.

I told him we were delighted that good relations had been established between France and Spain, for these good relations were in themselves a safeguard against any attack upon the Peninsula.

M. du Bocage explained to me that his idea was that the Portuguese Army should be worked up gradually, so that eventually Spain and Portugal would be known to be able to put a certain number of divisions in the field if need be, the organisation being similar to our organisation here.

[I am, &c.]
E. G[REY].

MINUTE BY KING EDWARD.

App[rove]d.—E.R.

No. 58.

Sir Edward Grey to Mr. Gaisford.

F.O. 371/723.

43247/43077/09/36.

(No. 76.) Confidential.

Sir,

Foreign Office, November 22, 1909.

With regard to military and naval matters, M. du Bocage told me to-day that he did not think a Convention would be desirable. Any Convention of this kind would have to go before Parliament. But if we would send a military or naval Officer to Lisbon to tell the Portuguese what they could do in order to be of use to us, he would welcome this step.

I said that we intended to keep a Fleet strong enough to protect ourselves from invasion. This meant the maintenance of a Navy strong enough to keep the sea clear of the Fleet of any enemy, and it would in itself afford protection to the Portuguese coast.

M. du Bocage explained that a military or naval expert might be able to point out to the Portuguese that a battery here, or a submarine station there, or a coal depôt somewhere else, would be of advantage.

I told him I would bear this in mind, and let him know if at any time the Admiralty or War Office had suggestions to make.

[I am, &c.]

E. G[REY].

No. 59.

Sir F. Villiers to Sir Edward Grey.

F.O. 368/377.

46028/310/09/136.

(No. 56.) Commercial. Confidential.

Lisbon, D. December 3, 1909.

R. December 20, 1909.

Sir,

With reference to my Confidential despatch No. 50 Commercial of October 30⁽¹⁾ I have the honour to forward copy of the report upon the alleged schemes of Germany in the Azores which, in accordance with your instructions, has been prepared by His Majesty's Consul at St. Michaels.

Mr. Read, as you will observe, calls attention to the inadequate defence of the islands and the ease with which they could be occupied by a hostile force.

I have, &c.

F. H. VILLIERS.

Enclosure in No. 59.

Consul Read to Sir F. Villiers.

Confidential.

Sir,

St. Michael's, November 16, 1909.

With reference to your Excellency's Confidential Despatch of the 30th October, 1909, I have the honour to report that nothing has transpired here, either in the local Press or in Official Circles, bearing on the subject of concessions to Germany of exclusive privileges for coaling stations and wireless telegraph installations.

This year, to this date, only three German war vessels have visited this Port. If they manœuvred at all in these waters, I should say it was in the ordinary course of exercises in steam tactics. Should war break out at any time between England and Germany and the latter be unsuccessful in destroying the British Fleet, and the war at sea thus prolonged, Germany might possibly make a dash for these islands and hold them as a base for harassing British commerce and for depôts for coals, water and provisions. Their occupation would be easy, as the troops are few and the fortifications which exist are ancient and not armed with powerful modern artillery.

But allowing that the Portuguese Government were to permit Germany to have wireless telegraph installations and coaling depôts in the Azores, the Germans would derive no advantage from such privileges in a state of war, as Portugal would either declare herself neutral or assist her old ally.

And if the Germans were to seize the Azores they would find private coaling depôts at St. Michael's and Fayal, and Government wireless telegraph stations at the Islands of St. Michael's, St. Mary's, Fayal, Flores, and Corvo.

I have, &c.

WILLIAM READ,

H.M. Consul.

⁽¹⁾ [*v. supra*, pp. 67-8, No. 56.]

No. 60.

Sir F. Villiers to Sir Edward Grey

F.O. 371/971.

202/202/10/36.

(No. 73.) Confidential.

Lisbon, D. December 28, 1909.

Sir:—

R. January 3, 1910.

I attended yesterday the first reception of the Diplomatic Corps held by Senhor Villaça who, after an interval of nearly four years, has resumed office as Minister for Foreign Affairs.

His Excellency held this post when I arrived here in 1906 and he opened our conversation by reminding me of the warm friendship which he had then evinced for Great Britain and of his admiration for everything British. There was no change he said in the cordiality of his feelings. He also at my request renewed the assurance, originally given by him and repeated by his Successors, that no concession for a coaling station or special facilities at any of the Portuguese Atlantic ports had been granted to a foreign Power, that there was no intention of the kind and that if any attempt were made to obtain a footing in the Azores, or elsewhere, His Majesty's Government would certainly be informed.

I thanked Senhor Villaça and told him that I would not fail to report what he had said to me.

I have, &c.

F. H. VILLIERS.

No. 61.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/971.

202/202/10/36.

(No. 2.)

Sir,

Foreign Office, January 6, 1910.

I have received your despatch No. 73 of the 28th ult[imo]⁽¹⁾ reporting that the Portuguese Minister for Foreign Affairs has renewed the assurance that no concession for a coaling station or special facilities at any of the Portuguese Atlantic ports will be granted to a foreign Power.

I request that you will express to the Portuguese Government in suitable terms the satisfaction with which H[is] M[ajesty's] Gov[ernment] have received this assurance.

[I am, &c.]

E. GREY.]

⁽¹⁾ [v. immediately preceding document.]

No. 62.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/971.

31407/202/10/36.

(No. 40.) Confidential.

Lisbon, D. August 15, 1910.

Sir:—

R. August 29, 1910.

I have the honour to report that directly after my return from leave of absence I called upon Senhor Azevedo the new Minister for Foreign Affairs.

His Excellency having had experience of public life was well acquainted with the conditions of friendly feeling which exist between Great Britain and Portugal, so

it was unnecessary for me to dwell upon that point, but I was able to inform him that when in London I had had the honour of an audience of the King when His Majesty had shown great interest in Portuguese affairs and had stated with emphasis that he was animated by the same sentiments of friendship towards King Manuel and this country as were entertained by His late Majesty King Edward. Senhor Azevedo expressed his sincere thanks and gratification at this statement.

I then asked for an assurance similar to that given by so many of his predecessors that no concession for a coaling station or other facilities would be granted in the Portuguese Atlantic ports and that if any foreign Power attempted to get a footing in the Azores or elsewhere His Majesty's Government would be informed.

Senhor Azevedo seemed somewhat surprized [*sic*]. There was no change whatever, he declared in the sentiments of Portugal towards Great Britain, and such an assurance was therefore quite unnecessary as the position which it was intended to ensure flowed naturally from the alliance between the two Powers. He added that of course Portugal would not grant concessions of the kind indicated. I said that I took this to be an equivalent to the assurance, to which assumption His Excellency made no demur.

I have, &c.

F. H. VILLIERS.

No. 63.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/971.

31407/202/10/36.

(No. 61.) Confidential.

Sir,

Foreign Office, September 6, 1910.

I have received your despatch No. 40 of the 15th ultimo,⁽¹⁾ and I should be glad if you would take an early opportunity of expressing to Senhor Azevedo in suitable terms the satisfaction of H[is] M[ajesty's] G[overnment] at his assurance, reported in your despatch, that no concession for a coaling station or other facilities would be granted to any foreign Power in the Portuguese Atlantic ports.

I am, &c.

E. GREY.

(¹) [*v. immediately preceding document.*]

No. 64.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/972.

37393/35979/10/36.

(No. 55.)

Sir:—

Lisbon, D. October 10, 1910.

R. October 15, 1910.

With reference to my despatch No. 54 of the 7th instant⁽¹⁾ I have the honour to forward translation of a note signed by Dr. Bernardino Machado, Minister for Foreign Affairs in the Provisional Government,⁽²⁾ stating their intention to respect all Treaty

(¹) [Not reproduced.]

(²) [The Monarchy was overthrown and a Republic proclaimed on October 5.]

and other obligations and expressing the desire to maintain the friendly relations which exist between Great Britain and Portugal.

In view of the instructions contained in your telegram No. 9 of October 7⁽³⁾ I have not acknowledged receipt of this communication.

I have, &c.

F. H. VILLIERS.

Enclosure in No. 64.

Senhor Machado to Sir F. Villiers.

(Translation.)

Ministry for Foreign Affairs, Lisbon,

Your Excellency :—

October 9, 1910.

Your Excellency is aware by a previous communication of the change in the Portuguese political régime and of the appointment of the Provisional Government which, by the direct will of the people, will preside over the definite organization of the new administration.

In the capacity of Minister for Foreign Affairs I hasten to inform Your Excellency that the Provisional Government will fully respect all national engagements concluded in due form and represented by treaties, public debts, contracts in force and generally all obligations legally accepted.

In addressing this note to Your Excellency I especially wish to express the desire of the Provisional Government to maintain and even strengthen the friendly relations which exist between Portugal and Great Britain.

I avail, &c.

BERNARDINO MACHADO.

⁽³⁾ [Not reproduced. Sir F. Villiers was instructed to abstain for the present from any step which could be interpreted as implying official recognition of the Provisional Government. (F.O. 371/972, 36492/35979/10/36.)]

No. 65.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/972.

Lisbon, October 11, 1910.

36972/35979/10/36.

D. 11.55 P.M.

Tel. (No. 14.)

R. 6 P.M.

Your telegram No. 12 of yesterday.⁽¹⁾

Position of the republic is becoming rapidly consolidated, and the new Government has been accepted throughout the country, in many places with enthusiasm, and generally without any show of opposition. Tranquillity prevails; and there is not the slightest chance, so far as I can see, of any counter-movement. In fact, it may be said that, for the present, at least, the Monarchist party has ceased to exist.

In these circumstances I am of opinion that it would not be premature to communicate with other Powers with regard to the question of establishing official relations.⁽²⁾

MINUTES.

Qu[ery] : telegraph to H[is] M[ajesty's] Representatives in France Germany Italy U[nited] S[tates] Russia Austria Spain Tokio giving substance of first paragraph of the present telegram and instruct them to enquire whether gov[ernmen]ts to which they are accredited consider that the moment for recognition is at hand, and if so whether they would instruct their Rep[resentati]ves at Lisbon to concert with their colleagues for the purpose.

E. A. C.

Oct[ober] 12.

⁽¹⁾ [Not reproduced.]

⁽²⁾ [cp. immediately succeeding document.]

I understand that in the first instance the intention is to communicate only with France and Spain, and that following precedent recognition will be delayed until the Portuguese nation has shown by some act its approval of the change in the Constitution.

W. L.

No action should be taken on this telegram—as the matter is under the consideration of the Sec[retary] of State.

A. N.

As there is a Cabinet to-morrow afternoon I will send a telegram after the Cabinet.

E. G.

12.10.10.

No. 66.

Sir Edward Grey to Sir F. Bertie.⁽¹⁾

F.O. 371/972.

36972/35979/10/36.

Foreign Office, October 13, 1910.

Tel. (No. 355.) Very Confidential.

D. 5·10 P.M.

It appears to H[is] M[ajesty's] Gov[ernment] that to avoid inconvenience it is necessary to decide what attitude to adopt in dealing with the provisional Gov[ernment] in Portugal. H[is] M[ajesty's] Gov[ernment] are disposed to instruct their Minister at Lisbon to transact business with the provisional Gov[ernment] as being the de facto Gov[ernment] of a country with which they are and desire to be in friendly relations. But they think that full official recognition of the Republic and President should be deferred till the country has pronounced its opinion constitutionally. It is understood that the provisional Gov[ernment] will in due course provide for such a pronouncement in Portugal. After that H[is] M[ajesty's] Gov[ernment] would be ready to recognize fully and officially whatever Gov[ernment] has been constitutionally confirmed and established.

This procedure would be in accord with that followed in similar emergencies on previous occasions as for instance in regard to Brazil in 1889.

Before however sending definite instructions to H[is] M[ajesty's] Representative at Lisbon H[is] M[ajesty's] Gov[ernment] desiring not to take any action which would embarrass France and Spain who are the nearest neighbours of Portugal would like to be informed of the views and intentions of the French Spanish Gov[ernment]. If these agree with those of H[is] M[ajesty's] Gov[ernment] I should then be prepared in the hope of securing a uniform attitude on the part of the Great Powers to inform the Gov[ernments] of Austria-Hungary, Germany, Italy and Russia of what the practice of H[is] M[ajesty's] Gov[ernment] has been on previous occasions and that we desire to follow it in this instance, and to enquire what they intend to do.

Please ask for as early a reply as possible, making it clear that your communication is strictly confidential.

MINUTES.

The Cabinet agrees to this telegram and it may be sent off.

E. G.

It should of course be made clear to the French and Spanish Gov[ernments] that this communication to them is very confidential and that we should like a reply soon.

E. G.

⁽¹⁾ [Also to Sir M. de Bunsen as No. 28 of October 13, 1910, D. 5·10 P.M.]

[ED. NOTE.—Sir F. Bertie reported the French Government as concurring in the British views in telegram No. 9 of October 17. A similar telegram (No. 48 of Oct. 15) had already been received from Sir M. de Bunsen expressing the concurrence of the Spanish Government. All other Powers had concurred except Russia (*v. infra*, p. 75, No. 68) by October 30.]

No. 67.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/972.

37347/35979/10/36.

Foreign Office, October 15, 1910.

Tel. (No. 14.) Very Confidential.

D. 2.15 P.M.

Your telegram No. 16.⁽¹⁾

The following is for your own confidential information :—

His Majesty's Government, desiring to put an end to the present inconvenient state of things, have considered the question of the attitude to be adopted in dealing with the provisional Government. They are disposed to instruct you to transact business with them as being the *de facto* Government of a country with which they desire to remain in friendly relations, but they think full official recognition should be deferred till the opinion of the country has been taken, and has confirmed the new order of things.

This procedure would be in accordance with that followed on several previous occasions.

Before sending you definite instructions in this sense, His Majesty's Government are consulting France and Spain as being the nearest neighbours of Portugal, as they do not wish to take any action which might embarrass these Powers. If the latter concur, His Majesty's Government would then be prepared, in the hope of securing a uniform attitude, to inform the other Great Powers of the practice followed by this country on previous occasions, and to enquire what they intend to do.

⁽¹⁾ [Not reproduced. It repeated the assurances given by Senhor Machado at the end of his note of October 9 (*v. supra*, p. 73, No. 64, *encl.*) and referred to the question of recognition. *cp. supra*, pp. 73-4, Nos. 65-6.]

No. 68.

Sir Edward Grey to Sir F. Villiers.

F.O. 371/974.

39151/35979/10/36.

Foreign Office, October 30, 1910.

Tel. (No. 24.)

D. 1 P.M.

My tel[egram] to O'Beirne No. 656 of to-day.⁽¹⁾

All the Powers except Russia having now agreed, you should, as soon as your colleagues are ready to act, address a courteously worded note to Min[ister] for F[oreign] A[ffairs] informing him that you have been authorized to transact business with the provisional government as being the *de facto* gov[ernmen]t of a country with which it is the earnest desire of H[is] M[ajesty's] G[overnmen]t to remain in friendly relations.

You should at the same time make verbally a communication to the following effect :—

(R) H[is] M[ajesty's] G[overnmen]t feel bound to govern their action according to the precedents by which the policy of this country has been guided in regard to the recognition of provisional governments which have at various times been established in foreign countries. According to the practice of the British Court, the King cannot address letters to or receive letters from any government that is not, at least ostensibly, established as a permanent gov[ernmen]t. As soon as Portugal shall, by a formal vote of a constituent assembly, or in some other unambiguous manner, have determined the form and character of future gov[ernmen]t of the country, H[is]

⁽¹⁾ [*v. immediately succeeding document.*]

M[ajesty's] G[overnmen]t will be prepared to advise the King to recognise it and will be happy to enter into official relations with it when established in accordance with popular vote.

In the meantime H[is] M[ajesty's] G[overnmen]t desire to treat provisional gov[ernmen]t with all the cordiality and deference which is due to the executive of a State with which Great Britain has been in close alliance for centuries, and to maintain with it the most frank and friendly intercourse.

(End of R.)

Please report as soon as above communications have been made.⁽²⁾

⁽²⁾ [This telegram was drafted as a minute by Mr. E. Crowe. Sir Edward Grey added the following minute: "We can meanwhile tell any Powers who ask again of the instructions sent to Sir F. Villiers.—E. G."]

No. 69.

Sir Edward Grey to Mr. O'Beirne.

F.O. 371/974.

39151/35979/10/36.

Tel. (No. 656.)

Foreign Office, October 30, 1910.

D. 1 P.M.

Your tel[egram] No. 291.⁽¹⁾ I should prefer to wait so that all Powers could act together or simultaneously. I am instructing Sir F. Villiers to make proposed communication to provisional government so soon as his colleagues, including Russian, are authorized to do the same. Please ask Acting Min[iste]r for F[oreign] A[ffairs] to do his best to get instructions sent to Lisbon as early as possible with a view to concerted action.

⁽¹⁾ [Not reproduced.]

No. 70.

Sir F. Villiers to Sir Edward Grey.

F.O. 371/974.

42677/35979/10/36.

(No. 67.)

Sir:—

Lisbon, D. November 18, 1910.

R. November 24, 1910.

I asked the Minister for Foreign Affairs this morning whether there was any truth in the reports, mentioned in your despatches No. 72, Secret (38092), of the 31st ultimo and No. 77 (40381/10) of the 10th instant,⁽¹⁾ that the Provisional Government contemplated the sale to a foreign Power of their East Indian colonies including Portuguese Timor.

Senhor Bernardino Machado replied that these rumours were wholly unfounded. The Provisional Government had no intention whatever of parting with any of the Portuguese colonies. If any were acquired by a foreign Power it would only be by force.

I have, &c.

F. H. VILLIERS.

⁽¹⁾ [Not reproduced as the tenour of these despatches is indicated.]

No. 71.

Sir Edward Grey to Mr. Gaisford.

F.O. 32314/32314/11/36.

(No. 38.) Commercial.

Sir,

Foreign Office, August 28, 1911.

I transmit to you herewith copy of a letter from the Admiralty⁽¹⁾ resp[ecting] the alleged intention of a German firm to purchase two islands in the Azores.

I would in this connection call your attention to the assurance given by the Portuguese Gov[ernmen]t to H[is] M[ajesty's] Minister last Nov[ember] (see Sir F. Villiers' Desp[atch] No. 65 Conf[idential] of Nov[ember] 18th,⁽²⁾ that no concession for a coaling station or other facilities would be granted in the Portuguese Atlantic ports, and that H[is] M[ajesty's] G[overnment] would be informed if any foreign Power attempted to gain a footing in the Azores or elsewhere. You should accordingly mention to the Portuguese Gov[ernmen]t that the present report has reached H[is] M[ajesty's] G[overnment], and that they would be interested to learn whether there is any truth in it.

I am, &c.

E. GREY.

⁽¹⁾ [Not reproduced. It merely states the facts given above.]⁽²⁾ [Not reproduced, but *v. infra*, p. 80, No. 80, note ⁽²⁾.]

No. 72.

Sir Edward Grey to Mr. Gaisford.

F.O. 33417/1335/11/36.

Tel. (No. 25.)

Foreign Office, August 28, 1911.

You should, on behalf of H[is] M[ajesty's] G[overnment], recognise the Portuguese Republic as soon as your colleagues are similarly instructed, in order that recognition may be as general and simultaneous as possible.

I understand French Gov[ernmen]t have already recognised, and if any other European Great Power does so without awaiting collective action you can recognise at once.

If your colleagues do not soon receive instructions you will be authorised to act without them.

[*ED. NOTE.*—On September 1, Mr. Gaisford reported in his telegram No. 39, R. September 2, that the President of the Republic was finding great difficulty in forming a Cabinet, and that none of his colleagues had yet received instructions to recognise the Government. He was informed on September 2 (telegram No. 39) that he should await instructions (F.O. 34514/1335/11/36).]

No. 73.

Sir Edward Grey to Sir M. de Bunsen.⁽¹⁾

F.O. 33417/1335/11/36.

Tel. (No. 86.)

Foreign Office, August 28, 1911.

Inform Gov[ernmen]t to which you are accredited that H[is] M[ajesty's] G[overnment] intend to instruct H[is] M[ajesty's] Chargé d'Affaires at Lisbon to

⁽¹⁾ [This telegram was repeated to Rome (No. 50), Constantinople (No. 305), Vienna (No. 94), Berlin (No. 170), St. Petersburg (No. 470), Christiana (No. 11), Stockholm (No. 13), Copenhagen (No. 6), Berne (No. 4), The Hague (No. 22), Brussels (No. 3) and to Paris (No. 207), Washington (No. 246).]

recognize Portuguese Republic, which has now been constitutionally established, as soon as his colleagues are similarly instructed in order that recognition may be as general and simultaneous as possible.

H[is] M[ajesty's] G[overnment] would therefore be glad to know the views and intentions of the Gov[ernmen]t to which you are accredited.

I understand French Government have already recognised, and Mr. Gaisford will be instructed to do so also, if his colleagues do not soon receive instructions, and at once, if any other Great Power acts without awaiting collective action.

No. 74.

Sir G. Buchanan to Sir Edward Grey.

St. Petersburg, September 2, 1911.

F.O. 34652/1335/11/36.

D. 3·20 P.M.

Tel. (No. 194.)

R. 4 P.M.

My telegram No. 192 ()⁽¹⁾

Acting Minister for Foreign Affairs told me last night that Emperor is not disposed to recognise Portuguese Republic at present.

⁽¹⁾ [Not reproduced. It merely acknowledged Sir Edward Grey's telegram No. 86 of August 28 (*v.* immediately preceding document) and foreshadowed the reply given above. The date is August 30, D. 8·15 P.M.]

No. 75.

Sir F. Cartwright to Sir Edward Grey.

Vienna, September 7, 1911.

F.O. 35318/1335/11/36.

D. 8·10 P.M.

Tel. (No. 93.)

R. 10·15 P.M.

Portugal. Your telegram No. 94 ()⁽¹⁾

Austro-Hungarian Government are prepared to recognise Portuguese Republic and will give necessary instructions to their chargé d'affaires at Lisbon.

MINUTES.

This will probably entail recognition by Germany. Sir E. Grey has undertaken to consider question again the end of this week. Perhaps Mr. Gaisford might now be instructed to recognize as soon as his Austro-Hung[arian] colleague acts.

F. A. C.
8/9.

I have settled this after a communication from Count Metternich and have given telegram to Sir F. Campbell.

E. G.
8.9.11.

⁽¹⁾ [*v. supra*, pp. 77-8, No. 73, and note ⁽¹⁾.]

[*ED. NOTE.*—For various reasons full recognition of the Portuguese Republic was delayed, the chief of these being the reluctance of the Russian Government. This problem ultimately received the solution indicated in the following documents.]

No. 76.

Sir Edward Grey to Mr. Gaisford.⁽¹⁾

F.O. 35441/1335/11/36.

Tel. (No. 45.) R.

Foreign Office, September 8, 1911.

(Sir F. Cartwright's tel[egram] No. 93 of 7th September.)⁽²⁾

German Ambassador informs me that German Minister is instructed to acknowledge Portuguese Republic at the same time with the British, Austrian, Italian and Spanish Representatives. You should arrange with these four colleagues time and mode of recognition and when settled inform your Dutch and other colleagues.

⁽¹⁾ [This telegram was repeated to Madrid (No. 89), Rome (No. 163), Constantinople (No. 327), Vienna (No. 97), Berlin (No. 178), St. Petersburg (No. 503), Christiania (No. 13), Stockholm (No. 15), Copenhagen (No. 11), The Hague (No. 23), and Brussels (No. 6).]

⁽²⁾ [v. immediately preceding document.]

No. 77.

Mr. Gaisford to Sir Edward Grey.

Lisbon, September 11, 1911.

F.O. 35839/1335/11/36.

Tel. (No. 44.) *En clair.*

D. 6 P.M.

R. 9·23 P.M.

Have to-day recognised Portuguese Republic on behalf of His Majesty's Government.

No. 78.

Mr. Gaisford to Sir Edward Grey.

F.O. 36183/1335/11/36.

(No. 106.)

Lisbon, D. September 11, 1911.

Sir,

R. September 15, 1911.

With reference to my telegram of to-day's date⁽¹⁾ I have the honour to enclose copy of the note I handed to the Minister for Foreign Affairs this afternoon intimating that His Majesty's Government now recognized the Portuguese Republic.⁽²⁾

I was followed by the representatives of Spain, Germany and Italy and Austria who handed to Senhor Chagas notes couched in terms practically the same as mine.

His Excellency stated that the communication I made to him would be the source of the liveliest gratification to the Government and to the country at large; it signified the dawn of a new era for Portugal, a national renaissance. Although the other four Powers were simultaneously taking the same step as Great Britain, it was to the latter country that Portugal was especially grateful. He was aware, he said, of the diplomatic action taken by His Majesty's Government and he begged me most emphatically to convey to you his most cordial thanks.

I subsequently wrote my name on the President [*sic*] and to-morrow I shall leave cards on the members of the Government. This procedure is being followed by the other representatives.

I understand that Holland, Belgium and Norway will recognize the Republic to-morrow.

⁽¹⁾ [v. immediately preceding document.]

⁽²⁾ [Not reproduced.]

In accordance with the instructions contained in your telegram No. 37 of the 1st instant,⁽³⁾ I have conveyed to the late Minister for Foreign Affairs a suitable expression of your regret that recognition by His Majesty's Government did not ensue until he had left office.

I have, &c.

HUGH GAISFORD.

(³) [Not reproduced, as its tenour is sufficiently indicated.]

No. 79.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 35947/1335/11/36.

Stockholm, D. September 13, 1911.

Tel. (No. 13.)

R. September 13, 1911.

Swedish Government informs me that they have recognised Portuguese Government.

No. 80.

Sir A. Hardinge to Sir Edward Grey.

F.O. 42956/32314/36/11.

Lisbon, D. October 25, 1911.

(No. 66.) Commercial.

R. October 31, 1911.

Sir,

With reference to Mr. Gaisford's despatch No. 61 Commercial of the 20th ultimo⁽¹⁾ I have the honour to state that I have received a note from Dr. Vasconcellos, the new Minister for Foreign Affairs, confirming the assurances given by his predecessor that no facilities would be granted in the Azores or elsewhere to a foreign Power without informing His Majesty's Government.⁽²⁾

His Excellency goes on to say that the Portuguese Government have no confirmation of the rumoured sale of an island in the Azores to a German firm, but that should there prove to be any truth in the report the necessary measures would be taken to prevent the occurrence of any difficulty.

I have, &c.

ARTHUR H. HARDINGE.

⁽¹⁾ [Not reproduced.]

⁽²⁾ [Reference was made to this question in Sir F. Villiers' despatch No. 65 of November 18, 1910. (*cp.* also *supra*, p. 76, No. 70.) The despatch printed above gives, however, further and more authoritative information.]

CHAPTER LXIII.

THE INTEGRITY OF NORWAY AND SWEDEN.

No. 81.

Memorandum respecting the origin and negotiation of the Treaty of 1855 guaranteeing the territories of Sweden and Norway against Russian aggression.

F.O. Sweden and Norway 657.

May 8, 1905.

The object for which the Treaty of the 21st of November 1855 was concluded was to secure the integrity of the United Kingdom of Sweden and Norway against the encroachments of Russia, and thereby to maintain the balance of power in Europe.⁽¹⁾

The origin of Russian aggression on Norway and Sweden may be traced as far back as the 9th century.

A very interesting summary of this question is contained in a Report drawn up by Mr. J. R. Crowe, H[er] M[ajesty]'s Consul General at Christiania in 1855.

Consul General
Crowe,
Sep[arate]
May 23, 1855,
Conf[idential]
P. No. 494.

Mr. Crowe showed that the object of Russia was to obtain a port or ports on the Western Ocean accessible at all times of the year to her ships, as well as a participation in the Fisheries to secure her a nursery for her seamen.

And he pointed out how important it was for this country and for Norway to thwart the Russian pretensions.

The means employed by Russia for carrying out her plan were the Rights of Pasturage and Fishery claimed on behalf of the nomads, who inhabited her border districts in the North West and who had been in the habit of crossing the boundary between Russia and Norway, for the purpose of exercising those rights at certain seasons of the year.

The Russian claims were based in later times upon the Treaties of 1751 and 1826 between Sweden and Norway and Russia.

The question was purposely kept open by the latter power by negotiations carried on at intervals from 1809, when Finland was ceded by Sweden, until 1853.

See Con-
f[idential]
No. 494, and
Pro-Memoria
communicated
by the Swedish
Minister,
March 11, 1854.
Mr. Grey,
[No.] 160,
June 22, 1854.

In 1854, on the outbreak of war between the allied Powers, Great Britain and France, and Russia, the Swedish Gov[ernmen]t became alarmed lest Russia should seize certain portions of Swedish territory and was pressed by France to join the Western Powers.

The King of Sweden, though convinced that his interests would ultimately lead him to join England and France, hesitated to do so as he was anxious respecting the nature of the guarantees that would be offered to him, and respecting the action of Austria with regard to the war. Still he went so far as to prepare the project of a Treaty. Two conditions in which were the restoration of Finland to Sweden and the adhesion of Austria to the Treaty. After carrying on the negotiations for some time, they were suspended as the above-mentioned conditions were considered inadmissible by the allied Powers.

Mr. Grey,
No. 192,
July 26, 1854.
To Mr. Magenis,
[No.] 22,
October 28, 1854.

The Swedish Gov[ernmen]t was, however, informed that the promise given by H[er] M[ajesty]'s Gov[ernmen]t to respect the neutrality of Sweden would be faithfully fulfilled, and that in the prosecution of the war the allied Powers would gladly find themselves co-operating with Sweden.

On the 3rd June 1855, with reference to Mr. Crowe's Report, Lord Palmerston wrote the following minute:—

See Minute
with Draft to
Mr. Magenis,
No. 21,
June 28, 1855.

“It might be well to enter into some agreement with the King of Sweden and Norway binding him to make no concession whatever to Russia whether of Fishing Rights, Pasturage Rights, or Territory without the consent of Great Britain. Such a Treaty would be a security to us, and a defensive support to him.”

(1) [The text of the treaty of November 21, 1855, is in *B.F.S.P.*, Vol. 45, pp. 33-4. *cp.* Hertslet: *Map of Europe by Treaty* (1875), Vol. II, pp. 1241-2.]

To Mr. Magenis
No. 21,
June 28, 1855.

A despatch was, therefore, sent to Mr. Magenis, after consultation with the French Gov[ernmen]t, instructing him to ascertain from the Swedish Gov[ernmen]t whether it would be agreeable to the King of Sweden and Norway to enter into an Agreement by which he should engage not to make any concessions of Pasturage, Fishing, or territorial rights* in return for which Great Britain should come to his assistance should Russia attempt to gain such concessions by force.

To Lord Cowley
[No.] 565,
June 6, 1855.

From do.
[No.] 710,
June 12, 1855.

The French Gov[ernmen]t sent similar instructions to their Minister at Stockholm.

From
Lord Cowley,
No. 740,
June 17, 1855.

Mr. Magenis was also informed that if these proposals were agreeable to His Majesty they would be embodied in a Treaty.

The opportuneness of the time for the conclusions of such a Treaty, and its advantages for Sweden and Norway were also explained.

To Mr. Magenis,
[No.] 41,
October 18, 1855.

The negotiations were carried on for some time and tended to show that the Swedish Gov[ernmen]t was of opinion that the object which Great Britain and France had in making these overtures could only be obtained by a defensive Treaty extending to all the Swedish as well as the Norwegian possessions, inasmuch as their aim was to strengthen and support Sweden in establishing a barrier against Russian aggrandizement in the North.

Mr. Magenis also expressed an opinion, in which H[er] M[ajesty]'s Gov[ernmen]t concurred, that the extension of the guarantee suggested by Sweden, instead of involving greater responsibility would practically avert all danger by checking Russian designs on any part of Sweden as well as on Norway. H[er] M[ajesty]'s Gov[ernmen]t had therefore, in conjunction with the Gov[ernmen]t of the Emperor of the French, determined that under certain contingencies the whole of the Swedish and Norwegian territories should be guaranteed by G[rea]t Britain and France.

A draft Treaty embodying these proposals was therefore sent to Mr. Magenis, and he was instructed to propose its acceptance to the Swedish Gov[ernmen]t.

To Mr. Magenis,
No. 42,
October 18, 1855.

At the same time a further despatch was sent to Mr. Magenis explaining the reasons which prompted Great Britain and France to propose to conclude this Treaty with an extended guarantee.

It was explained that the Treaty was proposed as a measure of precaution, and that it would not involve Sweden in hostilities with Russia.

It was pointed out that the main object of the war, then being carried on, was to curb the aggressive ambition of Russia, that, as France and Great Britain had a strong interest in preventing the encroachments of Russia upon Sweden and Norway, they were justified in taking measures for that object, and that England and France would gain greatly if they were able by diplomacy to check the aggressive action of Russia in the Baltic. The despatch concluded by calling attention to the advantages which the Treaty would confer on Sweden herself as well as upon Great Britain and France, and attention was called to the probability of further attempts at encroachment, on the part of Russia, upon Sweden and Norway, after the conclusion of peace, against which the Treaty would prove a safeguard.

Lord Cowley,
[No.] 963,
July 20, 1855.

During the progress of the negotiations it was suggested by Sweden that Denmark should be invited to become a party to the proposed Treaty, but this suggestion was not carried out and the Treaty was, after the introduction of various slight modifications referring to the co-operation of the troops of G[rea]t Britain and France with the forces of Sweden and Norway, signed on the 21st November 1855.

Mr. Magenis,
[No.] 100,
November 21
1855.

On the same day notes were exchanged as to the expenses of the maintenance of any military forces sent to Sweden in case of necessity.

Mr. Magenis,
[No.] 101,
November 21,
1855.

"Moniteur,"
20th December,
1855.

The Ratifications of the Treaty were exchanged on the 17th December, 1855.
F[oreign] O[ffice], May 8, 1905. R. W. BRANT.

* This last concession was meant to apply to Finmark only.

Memorandum respecting Sweden and Norway.

F.O. Sweden and Norway 657.

Foreign Office, October 4, 1905.

Situation since the Resolution of the Swedish Diet of July 27, 1905, to the Signature of the Agreement at Karlstad, September 23, 1905.

The Special Committee of the Swedish Riksdag resolved, on the 24th July, 1905, that the Union between Sweden and Norway could only be broken by mutual consent, and held that Norway should in some form approach Sweden with a view to obtaining her consent. Two alternatives were suggested: either that the request should come from a new Storting after an appeal to the people, or that it should be made after the Norwegian people had approved the course by a plebiscite. When that notification had taken place, and if it was shown that an Agreement satisfactory to Sweden could be arrived at as regards the conditions to be imposed before Norway could be recognized as a State which had separated herself from the Union with Sweden, the Committee considered that Sweden must then, on her part, be ready to assent to the repeal of the Act of Union and to the dissolution of the Union itself.

Special Committee of the Riksdag.
Sir R. Rodd,
No. 101,
July 26, 1905.

The conditions required by Sweden were:

1. That a certain zone should be agreed upon on either side of the southern frontier, within which zone the forts recently erected should not be maintained or new forts constructed;

2. That the right hitherto conceded to Swedish Laps to annually cross the border into Norway with their reindeer should be definitely established for the future;

3. That provision should be made to guard against impediment to, or unreasonable burdens on, transit to and from either country, as well as against unwarrantable intrusion of the subjects of one State in waterways falling partially within the bounds of either country.

The question of an Arbitration Convention with Norway was regarded as a subject for discussion, and the foreign relations of the two countries in question regulated by Treaty between the United Kingdoms and foreign Powers was left for future consideration. The Resolution of the Committee was adopted by both Chambers of the Riksdag.

Sir R. Rodd,
No. 28,
Telegraphic,
July 27, 1905.

The Storting decided unanimously, on the 28th July, to submit the question of advisability or non-advisability of the dissolution of the Union to the electors throughout Norway.

View of Storting on resolution of the Riksdag.

It was arranged that a plebiscite should take place on Sunday, the 13th August.

Lord Melville,
No. 30,
July 29, 1905.

The Norwegian Government wished Prince Charles to be elected by the Storting, and to proceed to Christiania immediately after the result of the plebiscite had been notified to the Swedish Government, the notification to be accompanied by an intimation that the Norwegian Government considered the question of a Bernadotte Prince at an end, as the King of Sweden had publicly proclaimed that he would not nominate a Prince, and no allusion had been made to a nomination by the Committee of the Riksdag.

Prince Charles of Denmark's candidature.

Mr. Johnstone,
No. 31,
Telegraphic,
July 27, 1905.

King Oscar was much upset at hearing that it might be necessary for Prince Charles of Denmark to go to Norway to assume Government before pending questions between Sweden and Norway were finally settled—before, therefore, in His Majesty's view, the throne was vacant. The Crown Prince of Sweden was accordingly authorized to go and discuss the question with the Danish Court at Bernstorff.

Sir R. Rodd,
No. 36,
Telegraphic,
Secret,
August 2, 1905.

The result of the meeting at Bernstorff was that the following proposals were submitted to the Swedish and the Norwegian Governments; that Norway was to inform Sweden of the result of the *referendum*, and to intimate her readiness to

Mr. Johnstone,
No. 41,
Telegraphic,
August 5, 1905.

negotiate on the basis of the Swedish conditions when a regular Government had been chosen by her for that purpose. Subsequent to this the Riksdag was to be requested to permit the King to renounce the Throne of Norway for himself and his heirs. If these conditions were mutually accepted the acceptances were to be notified to the Danish Government, and the Riksdag was to be summoned at the same time as the Storting.

The Norwegian Government accepted the above solution.

Mr. Johnstone,
No. 42,
Telegraphic,
August 7, 1905.

The Swedish Government did not, however, accept the proposal, and decided to wait until Norway, after the popular vote, had made a reply or a counter-proposal to the resolution of the Diet.

Sir R. Rodd,
No. 44,
Telegraphic,
August 14, 1905.

The Danish Government considered a Republic almost inevitable, and were in favour of sending Prince Charles in order to avoid one.

Mr. Johnstone,
No. 43, Very
Confidential,
August 10, 1905.
Result of the
plebiscite.

The result of the *referendum* was almost unanimous for the dissolution of the Union.

Lord Melville,
Telegraphic,
August 16, 1905.

Baron Wedel then sent a message to Lord Lansdowne to the effect that Norway would notify the result of the plebiscite to Sweden, and at the same time inform King Oscar that as the offer of the throne to a Bernadotte Prince had not been accepted, and as the Riksdag had dissolved without mentioning the question, they considered the offer had lapsed. Prince Charles would then be elected on condition that he accepted beforehand, and in case of his not proceeding to Christiania immediately, a Regency could be constituted, if it were certain that such a form of Government would be recognized by England and Denmark.

Mr. Johnstone,
No. 41, Very
Confidential,
Telegraphic,
August 16, 1905.

The Danish Minister for Foreign Affairs was sure that Prince Charles would not accept the throne if a Regency had to be constituted. The Norwegian Government was evidently anxious to get a promise from Prince Charles that, if elected, he would proceed to Christiania at once, and the Danish Government wished His Royal Highness to be elected without any such promise.

Mr. Johnstone suggested that His Majesty's Government should inform Danish Government that if they recognized either Prince Charles or any form of interim Government in Norway His Majesty's Government would do the same.

Baron Wedel and M. Nansen obtained from the Danish Government the reply that they would reconsider their attitude if the Norwegian negotiations failed.

His Majesty's Government replied that they would recognize any provisional arrangement, provided it were under Prince Charles, which might be acceptable to the three Governments concerned, but that as the question of procedure was still under discussion, it would be better to avoid making any announcement.

Mr. Johnstone communicated the views of His Majesty's Government to Baron Wedel, and both he and M. Nansen gave assurances that they would endeavour to induce the Norwegian Government to settle matters peaceably with Sweden before taking further steps.

On the 22nd August the Storting decided, by a majority of 104 to 11, to ask Sweden to consent to repeal the Act of Union and to the dissolution, and to appoint Delegates to negotiate on all points raised in the Resolution of the Swedish Diet of the 27th July.

Swedish and Norwegian Delegates were appointed to meet to discuss the conditions of dissolution on the 31st August at Karlstad.

The Minister for Foreign Affairs, on leaving Stockholm to take part as one of the Swedish Delegates in the negotiations at Karlstad, informed Sir R. Rodd that the only real difficulties which confronted the Commission were the settlement of the privileges of the Swedish Laplanders, and the question of the dismantling of the Norwegian frontier fortresses, nor did he anticipate that the first of these points

Mr. Johnstone,
No. 76,
August 22, 1905.

To Mr. John-
stone, No. 14,
Telegraphic,
August 20, 1905.

Mr. Johnstone,
No. 47,
Telegraphic,
August 21, 1905.

Sir R. Rodd,
No. 48,
Telegraphic,
August 22, 1905.

Sir R. Rodd,
No. 49,
Telegraphic,
August 26, 1905.

Sir R. Rodd,
No. 128,
August 29, 1905.

would lead to any complications. The second question was undoubtedly more formidable, as he understood the Norwegians were very tenacious on the subject of maintaining the fortresses, and public opinion in Sweden, supported by that of military experts, was equally strong on the other side. There were two parallel lines of fortresses. The line remoter from her frontier Sweden could afford to disregard, but the outer line approached the boundary so closely—in one case within 200 metres—that the military advisers considered its maintenance inconsistent with peaceful and neighbourly intentions. A suggestion had been mooted in authoritative circles in Norway that, in case of a divergence of opinion on the question of the fortresses and the neutral zone, the issue should be left to arbitration or the decision of The Hague Tribunal.

Sir R. Rodd asked Count Wachtmeister what he thought of the statements which he had read in the press to the effect that there was a considerable modification of public opinion in Sweden in favour of the candidature of a Bernadotte Prince. His Excellency said he had seen the statements referred to, but he could not say that any evidence in support of them had come to the knowledge of the Government, and from a letter which he had recently received from the King, he did not apprehend that His Majesty had changed his mind on the subject.

Baron Wedel mentioned to Mr. Johnstone the same difficulties in the way of an arrangement as stated by Count Wachtmeister, but said that if Sweden was willing to meet Norway half-way there would, he thought, be every chance of reaching a peaceful and satisfactory solution.

Baron Wedel added that the Norwegian Ministry and Storting were most strongly in favour of Prince Charles of Denmark, and against the nomination of a Bernadotte Prince, but that the Swedes had mobilized 65,000 men on the frontier, and the Norwegians might see themselves forced to accept a now unwelcome Monarch from Sweden.

Mr. Johnstone stated in his despatch that, according to private advices from Stockholm which he had just received, it appeared that there was a possibility of Sweden offering a Prince of her house to Norway.

Commenting on Mr. Johnstone's despatch No. 79, Secret, of the 1st September, Sir R. Rodd mentioned that a paragraph had appeared in the Swedish press to the effect that King Oscar had said, evidently for publication, that he was much hurt by insinuations in the press to the effect that, in spite of the personal declaration he had made, His Majesty was interesting himself in a Swedish candidate for the Norwegian Throne. Sir R. Rodd added that, as direct negotiations were in progress between the two countries, he was inclined to receive any views expressed in Copenhagen by Baron Wedel with a certain amount of caution, unless corroborated by the attitude of the provisional Norwegian Government.

The Swedish Foreign Office said that there was absolutely no justification for the rumours of a Swedish mobilization. The annual manœuvres had been countermanded largely to prevent any misconception on the subject. The only district where anything dimly resembling a concentration was going on was in Vermland, where two infantry regiments were doing their field exercise conjointly instead of separately, as in other garrisons. A few units of cavalry had been attached to those two regiments, and the fact that some dozen or twenty horses had been transported thither might have appeared significant to correspondents at Karlstad which was in Vermland. There had been no summons to reservists, which it would, moreover, have been most inconvenient to issue in the middle of the harvest season, and no concentration of forces.

On the 7th September the Conference at Karlstad adjourned to the 18th September to enable the Delegates to confer with their Governments.

The Special Committee of the Swedish Diet had laid down as the first condition for the recognition of Norway's withdrawal from the Union that a certain zone should be agreed upon on either side of the southern portion of the frontier, within which

Mr. Johnstone,
No. 79, Secret,
September 1,
1905.

Sir R. Rodd,
No. 130,
Confidential,
September 4,
1905.

Sir R. Rodd,
No. 132,
September 4,
1905.

Sir R. Rodd,
No. 51,
Telegraphic,
September 8,
1905.

Mr. Johnstone,
No. 50,
Telegraphic,
September 10,
1905.

the forts recently erected should not be maintained or new forts constructed. This seems to have been agreed upon by the Delegates at Karlstad when, according to the Norwegian Delegates, the Swedish Delegates made a supplementary demand for the dismantling of two older fortresses. The Norwegians were given till the 13th September to accept or take the consequences of refusing. Professor Nansen said the Swedes had assembled 70,000 men on the frontier, and considered the situation very grave. He came to London to emphasize the request which was to be put forward by the Danish Government that His Majesty's Government would exercise friendly pressure at Stockholm to induce the Swedes to modify their terms, which, owing to popular sentiment, appeared impossible of acceptance.

Sir R. Rodd ascertained that the version of the negotiations given by Dr. Nansen at Copenhagen did not correspond with what the Swedish Delegates had reported at Stockholm.

A communication to the following effect was made on the 12th September by the Danish Minister in London, under instructions from his Government :—

The demolition of all Norwegian frontier fortifications, including Kongsvinger and Frederiksten, had been demanded by the Swedish Delegates, who had requested an answer by the 13th September.

The Norwegian Delegates could not see their way to consenting to the destruction of the two old fortresses, but had accepted all the other proposals put forward, including that providing for a neutral zone 10 kilom. broad on either side of the frontier up to the 61st degree, and had suggested the conclusion of a Swedish-Norwegian Arbitration Agreement on the lines of that signed between Denmark and the Netherlands.

The Swedish Delegates had intimated that they could not answer for the consequences which would ensue from a refusal of their demands. The situation was considered most serious, and the Danish Government were anxious to know whether His Majesty's Government would be willing to make representations to the Swedish Government with a view to inducing them to consent to a reduction of their demands in respect of the old fortresses.

Similar instructions had been telegraphed to the Danish Representatives at St. Petersburg and Berlin.

M. de Bille was informed that, in Lord Lansdowne's opinion, no useful purpose would be served by making representations based on information derived from Norwegian sources whilst the negotiations were in their present state, and in view of the fact that they were considered to be secret, that they would probably only cause irritation, and would result in more harm than good.

Dr. Nansen called at the Foreign Office on the 14th September.

Sir T. Sanderson told him that Lord Lansdowne had been in communication with the King, and that, while desirous of showing all possible sympathy for the Norwegian Government in the difficult position in which they were placed, he felt, and His Majesty agreed, that at this critical moment it would not be judicious that Dr. Nansen should go to Ireland for the purpose of seeing him, or that he should come hastily to London to see Dr. Nansen. The visit was sure to be noticed in the press, and to give rise to misconception.

Dr. Nansen said he quite agreed.

He was also informed that, while the negotiations between the Swedish and Norwegian Delegates were being continued, and were held to be secret, Lord Lansdowne felt that anything in the shape of a formal representation to the Swedish Government would be likely to be ill-received and to cause irritation. The Swedish Government were well aware of the great anxiety of His Majesty's Government for a peaceful and friendly solution of the questions pending between the two countries, and Sir R. Rodd took every opportunity of expressing his feeling in conversation with the Crown Prince and the Swedish Ministers.

Dr. Nansen said that he quite understood Lord Lansdowne's view, and that

Sir R. Rodd,
No. 52, Secret,
Telegraphic,
September 10,
1905.

To Mr. John
stone, No. 15,
Confidential,
Telegraphic,
September 13,
1905.

the Norwegian Government were grateful for the moderating influence which they knew that His Majesty's Government were exercising at Stockholm.

He stated confidentially that the real point at issue now seemed to him to be whether the Swedish Government would insist upon the destruction of the repairs and modern improvements which had been effected *within* the old fortresses of Kongsvinger and Frederiksten. This condition the Norwegian Government could not accept, but they were ready in last resort to submit to any convenient form of arbitration the amount of demolition which could reasonably be demanded. He again expressed his apprehension that Sweden might suddenly break off the negotiations, and move her troops across the frontier for the purpose of preventing any Norwegian mobilization before other Powers had an opportunity of offering any friendly advice or mediation.

The German and Russian Ministers at Stockholm spoke to Sir R. Rodd on the proposal to make a representation to the Swedish Government. He learnt from the Russian Minister that the French Minister had received instructions from Paris, and had already made, independently, a friendly representation to the Swedish Government, based on the proposal put forward by the Danish Government.

Sir R. Rodd,
No. 55,
Telegraphic,
September 13,
1905.

Baron Budberg had received instructions from the Russian Government to consult with the German Minister and Sir R. Rodd as to what form a friendly representation to the Swedish Government should take, both in regard to the questions of an Arbitration Treaty and of the fortresses.

The German Government had sent their Minister no instructions. Hitherto they had only asked Herr von Müller whether he was of opinion that representations would be desirable. His report to them had been opposed to any action before the breakdown of negotiations should have taken place.

In view of the fact that neither the German Minister nor Sir R. Rodd had received instructions, the Russian Minister appeared disposed to take independent action, and proposed to couch his representation in very friendly words.

The French Minister made his representation in very general and friendly terms, on humanitarian grounds. It was based on information which he had received from the French Foreign Office that the Swedes made a point of obtaining the demolition of the old fortresses of Kongsvinger and Frederiksten. The Acting Minister for Foreign Affairs, M. Lindman, expressed his thanks for the form of the French Minister's communication, and repeated to him that the Resolution of the Diet, by which the Swedish Delegates were empowered, had particularly specified only the fortresses recently constructed, which were directed against Sweden, and his Excellency again stated that there was no intention to interfere with the old historic fortresses. As regards the modern constructions, the mandate of the Swedish Delegates prescribed an unalterable attitude.

Sir R. Rodd,
No. 56,
Telegraphic,
September 14,
1905.

After the Russian Minister had learnt that the German Minister and Sir R. Rodd had not been instructed to join him, he also made his representation, also in the most friendly and general terms. He seemed rather to have encouraged his French colleague to act on his independent instructions, and to make his representation without having previously consulted his other colleagues.

The Russian and French Ministers admitted that, if their advice had been requested by their Governments before the instructions were sent, they would have reported unfavourably as to making representations. They also admitted the jugglery with words practised by the Norwegians.

The Swedish and Norwegian Minister called at the Foreign Office on the 15th September and spoke on the subject of the demand of Sweden for the demolition of the Norwegian frontier fortresses.

Sir T. Sanderson told him that His Majesty's Government had no detailed knowledge of the nature of the two principal fortresses which were in question, but that one of them was, it was understood, upon the coast, and the other at the junction of three important lines of railway, some 20 miles behind the frontier, and at no very great distance from the capital. Lord Lansdowne had been unwilling

to make any special representations to the Swedish Government through Sir R. Rodd as the negotiations were secret, and he did not wish to show any doubt of the moderation and conciliatory disposition of the Swedish Government, but His Majesty's Government were most anxious for a friendly solution of the pending questions, and felt confident of the intention of the Swedish Government to do its utmost for that purpose. The whole of Europe were intensely desirous of peace and quiet at this moment, and the Government which took the first step towards any fresh disturbance of the peace would undoubtedly be most severely criticized.

M. de Bildt asked if he could telegraph anything to his Government as to the views of His Majesty's Government, and it was agreed that he should send a message to the effect that he had been told that His Majesty's Government were sincerely anxious for a friendly termination of the negotiations at Karlstad, and were confident that a conciliatory and generous attitude on the part of the Swedish Government would secure universal approval in Europe, and raise Sweden in the general estimation; and that Lord Lansdowne had refrained from sending any special instructions to Sir R. Rodd at this critical moment, as he did not wish to indicate any want of confidence in the wisdom and moderation of the Swedish Government.

M. de Bildt inquired as to the nature of Dr. Nansen's mission to this country.

He was informed that Dr. Nansen had not claimed any position as an Envoy, nor had he made any specific request. He was very anxious as to the issue of the negotiations, but had not asked His Majesty's Government to interfere while they were pending. He was also anxious that Prince Charles of Denmark should be King of Norway rather than that there should be a Norwegian Republic, which he thought would be an unsatisfactory arrangement. His language had been most temperate and correct.

M. de Bildt said that Dr. Nansen had also come to see him, and that he had been very favourably impressed. Dr. Nansen's language had been very dignified and moderate.

The Crown Prince-Regent informed Sir R. Rodd, confidentially, that the demolition of the new fortresses on the Norwegian frontier had been demanded by Sweden; that Norway had taken exception to destroying the modern additions to Kongsvinger and Frederiksten, and had declined to do so. On humanitarian grounds, Sweden had, with reluctance, offered to compromise by reducing her demand to the removal of the armoured turrets and the guns of the new forts, which were situated in front of Frederiksten, and to the stipulation that no further additions should be made to Kongsvinger in the future. These were the utmost limits of concession which it had been possible to make, and it had required the influence of the Crown Prince, the Minister for Foreign Affairs, and the Liberal members of the Swedish Cabinet to obtain them.

Sir R. Rodd inquired whether the representations which the French and Russian Governments had directed to be made had in any respect motivated the concessions which Sweden had offered to Norway. He was informed that they had been framed before the representations were made by the French and German⁽¹⁾ Ministers, and that they had, therefore, in no way been motivated by this step.

The Crown Prince-Regent also told Sir R. Rodd that the representations made on behalf of the Russian and French Governments had been due to the initiative of Count Raben, Danish Minister for Foreign Affairs. This was "very unpleasant," as before any action in the matter, steps should have been taken to ascertain whether the statement respecting the fortresses was true.

It appeared that the Swedish Minister in Copenhagen had learnt of the Danish initiative through his Russian colleague.

Count Raben informed Mr. Johnstone that he had never tried to hide the fact that it was Denmark who requested the four Powers to make representations at Stockholm.

(1) [*sic*. The text should read 'Russian.' The error originated in the paraphrase of Sir R. Rodd's telegram No. 58 of September 15. F.O. Sweden 652.]

Sir R. Rodd,
No. 57, Secret,
Telegraphic,
September 16,
1905.

Sir R. Rodd,
No. 61,
Most Secret,
Telegraphic,
September 16,
1905.

Mr. Johnstone,
No. 53,
Telegraphic,
September 18,
1905.

His Excellency had informed the Swedish Minister at Copenhagen that it was in the interests of peace in Scandinavia that he had taken the step, and told Mr. Johnstone that if the Danish Minister in Stockholm had requested his colleagues not to mention that the intervention had been inspired by Denmark, he had acted without instructions.

The Karlstad Conference closed on the 23rd September, the Delegates having arrived at a complete understanding.

The despatch from Sir R. Rodd transmitting the text of the Agreements signed at Karlstad, together with the recommendations for further procedure with a view to completing the dissolution of the Union, is annexed.

B[EILBY] A[LSTON].

Foreign Office, October 4, 1905.

Viscount
Melville.
Telegraphic.
September 23,
1905.

Sir R. Rodd,
No. 151,
September 27,
1905.

[ED. NOTE.—Copies of the following documents were attached as annexes to the preceding memorandum.

Annex.

Sir R. Rodd to the Marquess of Lansdowne.

F.O. Sweden 651.

(No. 151.)

My Lord,

Stockholm, D. September 27, 1905.

R. September 30, 1905.

I have the honour to transmit to Your Lordship herewith the text of the five draft agreements, and of the recommendations for further procedure with a view to completing the dissolution of the Union, drawn up by the Swedish and Norwegian delegates at Karlstad; and signed by them on the 23rd instant, together with a translation of the same. In the latter however I have omitted the full text of the agreement with regard to the migrations of Laplanders, which has an exclusively local interest. It is probable that an official translation in the French language will shortly be issued by the Swedish Foreign Office, in which case I shall not fail to forward it to Your Lordship.

The first agreement is a Draft Treaty of Arbitration for the settlement of all issues between the two countries, not affecting their independence, integrity or vital interests. The second agreement deals with the much debated question of the neutral Zone and the dismantling of fortresses. The Zone varies in breadth, so as to include the various strategic points where there are fortresses to be dismantled, ranging from a little over ten kilometres, where it starts from the sea, to as much as twenty-five kilometres where it embraces the fortress of Urskog (Dingsrud), and some twenty kilometres, where its boundary intersects the circle having a radius of ten kilometres from Kongsvinger, within which it has been stipulated that there shall be no extension of the present group of forts. A rough map of the Neutral Zone extracted from the Swedish press is enclosed.

The existing fortresses at Kongsvinger are allowed to remain *in statu quo*, but the garrison is not to exceed its present numbers. It is laid down that the supervision over the dismantling of the other fortresses which Norway agrees to abandon, shall be entrusted to a Commission of Foreign Officers, and reference is made to a further agreement embodying details as to how this work is to be carried out, and which I understand will not be made public unless it is asked for by the Diets of one or the other country.

The third, fourth, and fifth agreements, dealing with the annual migrations of Laplanders, with equality of treatment for goods in transit across the territories of either country, and with reciprocal rights in common waterways call for no special comment.

The concluding recommendation of the delegates for subsequent procedure are of interest as involving an admission on the part of Norway that she abandons the attitude assumed by the Storting last June, in claiming that the Union was dissolved by an unilateral declaration that it had ceased to exist; and in assigning to Sweden the duty of notifying the independence of Norway to the various foreign Powers with which she has diplomatic and consular relations, so soon as she shall herself have recognized the severance of Norway from the Union.

I have, &c.

RENNELL RODD.

Enclosure.

(Translation.)

We the Undersigned, &c., &c., &c., have agreed on the following proposal for Agreements between the two countries: to wit:—

Agreement with regard to disputes to be referred to Arbitration.

Art[icle] 1. The two countries bind themselves to refer to the permanent Arbitration Court established at the Hague according to the Convention of July 29, 1899, such disputes as

may arise between them, which cannot be settled by direct diplomatic negotiation, with the reservation that such disputes do not affect the independence, integrity, or vital interests of either country.

Art[icle] 2. Should there be divergence of view, whether a dispute which has arisen affects the vital interests of either country, and is therefore to be assigned to the category not submitted to obligatory arbitration, this divergence of view shall be submitted for decision to the Court above mentioned.

Art[icle] 3. This agreement shall also be applicable to a dispute arising out of conditions preceding the conclusion of the agreement, but does not concern disputes regarding the interpretation or applicability of agreements which contain a special arbitration clause, nor to disputes regarding the interpretation or applicability of agreements which are concluded in connection with the dissolution of the Union between the two countries.

Art[icle] 4. When arbitration is resorted to, the countries shall, where no other provision is made, in all that concerns the arbitrators and the arbitral procedure, follow the prescriptions of the Convention of the 28th of July, 1899, except as regards the points hereafter specified.

Art[icle] 5. The Arbitrators may not be subjects of either of the countries nor resident within their confines, nor be interested in the questions which have been the occasion of arbitration.

Art[icle] 6. The "compromis" referred to in Art[icle] 31 of the Convention of July 29, 1899 shall fix a term within which the exchange between the parties concerned of memoranda and documents concerning the matter in dispute, shall take place. This exchange shall in every case be completed before the meeting of the arbitral court.

This provision does not invalidate what is laid down by the Hague Convention of July 29, 1899, respecting the second portion of the arbitral procedure (Art[icle] 39), especially not what is laid in Articles 43-49.

Art[icle] 7. The arbitral sentence shall remain in force for ten years, calculated from the day of signature, and be prolonged for a similar term, provided it has not been denounced by either party at least two years before the end of the ten years' period.

Agreement respecting a Neutral Zone, demolition of fortifications, &c., &c.

Art[icle] 1. In order to secure friendly relations between the two countries, there is established on both sides of the frontier dividing them an area ("Neutral Zone") which shall enjoy the advantages of a constant neutrality.

This Zone is defined as follows:—

- (a.) On the Swedish side by a boundary line which runs in a straight line from the northern point of Nordkoster (island) through the southern point of Norra Langö (island), the North east end of Faringen Sjö (lake), the north east end of Lursjö (lake), the outlet of the river Kynne into Södra Bullaren (lake), the south east end of Södra Kornsjö, the southern end of Stora Le (lake), the western end of Ogenesjö, the southern end of Lysedstjärn, the southern end of Svalsjö, the southern end of Nässjö, the southern end of Bysjö, the north western end of Kymmensjö, the north western end of Grunnsjö, the north western end of Kläggen, the northern end of Mangen, the western end of Bredsjö, to the point where the right bank of the river Klar touches the 61st parallel.
- (b.) On the Norwegian side by a boundary line which runs in a straight line across Kirkön (island) touching the north western point of Singleön (island) to the church of Ingedal and thence in a straight line past the church of Røkke, the point on the northern [sic] where the Frederikshald waters run into Femsjö, the outlet into the north eastern horn of Femsjö of the stream which runs through the estate of Röd, the eastern end of lake Klosa, the eastern end of Grefslivand (to the north of the church of Haerland), the point in the Ogdernsjö south east of Kraktorp, the channel between Mjermen and Gasefjord, Eidsdammen, the south western end of Dyrerud tarn (at the northern end of Liermosen), the church of Urskog, the southern end of Holm tarn, the southern horn of Digersjö, the eastern end of Norra Flögensjö to the point where the Ulvan cuts the 61st parallel.

In the Zone are included the islands, islets and rocks, but not such portions of the sea itself and the bays as fall within the boundaries of the Zone.

The Neutral Zone shall be entirely peaceful. It shall accordingly not be made use of by either country for operations of war, nor as a basis or point of departure therefore, also there shall not be stationed or assembled within the Zone (Exception see Art[icle] 6) any military force, with the exception of what may be necessary for the maintenance of public order, or for assistance in case of accident. If in either country there should be now or at any future time a line of railway which cuts any part of the Zone, especially longitudinally, the provisions of this agreement are not intended to stand in the way of such railway being used for military transport through the Zone. Nor are these provisions to prevent persons living within the Zone, of either country belonging to the military forces, being concentrated on the spot, in order to be removed outside the Zone with the least possible delay.

Fortresses, military ports, and stores either for army or navy shall not be maintained at new ones established within the Neutral Zone.

The above provisions shall not hold good in case the two countries be acting in support of one another against a common enemy: nor are they, if either country be involved in a war with a third Power, binding on that country, as regards that part of the Zone which is within its territory, or on the other country in regard to its territory, when and so far as the obligation of safeguarding its neutrality is involved.

Art[icle] 2. As a consequence of the above prescriptions, the fortresses which now exist within the above defined Neutral Zones shall be demolished:—to wit, the Norwegian groups of forts, Fredriksten with Gyldenlöve, Overbjerget, Væden and Hjelm kollen, Orje with Kroksund and Urskog (Dingsrud).

Art[icle] 3. The fortresses enumerated in Art[icle] 2 shall be made unserviceable as such: the old fortress works at Fredriksten together with those at Gyldenlöve and Overbjerget shall however be left, but not be maintained in a fortified condition.

With regard to the provisions now adopted respecting the three last-named forts and with regard to the measures to be taken respecting the other fortresses, more detailed prescriptions shall be laid down in a separate agreement, which shall have the same force as this agreement.

Art[icle] 4. The measures laid down in Art[icle] 3 shall be carried into effect within eight months from the date on which this agreement comes into force.

Art[icle] 5. Supervision over the execution of the measure prescribed by Art[icle] 3 shall be exercised by a Commission, consisting of three officers of foreign (neither Swedish nor Norwegian) nationality, of whom either country shall select one, the third being chosen by the two thus selected, or if they cannot agree by the President of the Swiss Federal Council.

More detailed arrangements respecting this supervision shall be laid down in a separate agreement.

Art[icle] 6. Fredriksten may continue to be the headquarters of the local district command and the garrison centre for the non-commissioned officers' school for the troops depending on the said command, remaining as it was in principle before the construction of the new fortresses.

Art[icle] 7. The Kongsvinger group of forts shall not be further developed, either in respect of additions, armament or garrison, which last has up to the present time not exceeded 300 men. As garrison are not reckoned the men called in for annual exercises. As a consequence of the above provision no new forts may be constructed within a radius of ten kilometres from the old fortress of Kongsvinger.

Art[icle] 8. Disputes arising as to the interpretation or application of this agreement, shall, if they cannot be settled by direct diplomatic negotiations, be, with the exception of the points resulting from the provisions of Art[icle] 5, determined by an arbitration board consisting of three members, of whom either country shall select one, and the third shall be chosen by the two thus selected, or if they cannot agree in the selection, by the President of the Swiss Federal Council, or shall be provided in the manner laid down in the last two paragraphs of Art[icle] 32 of the Hague Convention of July 29, 1899. No one of the arbitrators may be a subject of either country or a resident in the territory of either country, or have any interest in the questions which furnish the occasion for arbitration.

Failing any other special agreement the arbitral board shall determine the place of meeting and the arbitral procedure.

Art[icle] 9. This agreement shall come into force immediately. It cannot be denounced unilaterally.

Agreement with regard to the rights of migratory Laplanders to reindeer pasturage.

(Not translated.)

This Agreement extends the privileges accorded to migratory Laplanders, who move with their reindeer from one side of the border to the other, guaranteed by existing arrangements up to the year 1907, until the year 1917, before which date these arrangements shall be revised, and provides for the settlement of disputed interpretations of the law by arbitration.

Agreement with regard to the passage of goods in transit.

Art[icle] 1. Each country binds itself not to impede or render difficult the transport of goods which are sent through that country either way, (goods in transit) by prohibition of import or export, by suspending the traffic or other impediment.

In case of warlike complications arising with or between other Powers, or in other exceptional circumstances, the temporary suspension of this rule demanded by International Law or by regard for the neutrality or security of the home country is admissible, in respect of arms, ammunition, or other war material, and during a state of war, all goods belonging to the category of contraband. Similarly such a suspension is admissible when necessary to prevent the introduction or dissemination of infectious diseases among men or beasts.

Art[icle] 2. No duty or similar impost shall be levied on goods in transit, nor may a special charge be levied for the transit. For goods which are deposited in transit warehouses, bonded warehouses and such like, a rate fixed for the purpose may be levied.

Art[icle] 3. Goods in transit, transported by rail, shall not be treated in the country through which they pass less favourably than goods of the same character are treated within the said country, and shall not in any form be charged higher rates than the rates in force in the said country. If the country through which the transit takes place does not in every case charge the same rate for a certain class of goods, the rate for the goods in transit shall not be fixed higher than appears reasonable, having regard to the rates for transport which actually are in general application within the country through which transit takes place, leaving out of consideration such exceptional reductions of freight as are made on local lines of the 3rd class or are occasioned by exceptional circumstances. If within the country through which the transit takes place, a certain class of goods is not transported or only on a very small scale, the rate for transit shall not be fixed at a higher scale than seems reasonable, having regard to the rates charged on the class of goods most similar in character.

This Article applies to all goods transported from either side through the other country by a railway belonging in whole or in part to the State, or to a Company in which the State is a partner. If the State, or a Company conditioned as above, hand over the railway or share on the railway to a new owner, the State shall be responsible for seeing that the provisions of this article remain none the less in force.

Art[icle] 4. Goods in transit or vessels freighted for the transport of goods in transit shall not in the country through which they pass be subjected to harbour, maritime or other dues of any kind, on a higher scale than is applicable in general practice in the export trade of that country in respect of goods of the same character; this article however shall not in any way limit the right to impose harbour dues in accordance with the general practice of public law.

If the country of transit has no trade or only an inconsiderable one in a particular class of goods, the duty shall not be calculated on such goods on a higher scale than is reasonable, having regard to that applied to the class of goods most similar in character.

Art[icle] 5. The above-mentioned prescriptions shall equally hold good if the goods under transit should be returned.

Art[icle] 6. This Agreement shall remain in force for a term of thirty years from January 1st, 1906, and be renewed for a similar period, provided that it be not denounced by either party at least five years before the expiry of the thirty years' period.

Art[icle] 7. (Provides for the maintenance of an existing rate contract between the Norwegian Government and the Luossavaara-Kiirunavaara Company for transport of ore over the Ofoten Railway.)

Art[icle] 8. (Provides for the settlement of disputes arising with regard to the interpretation of this agreement, by arbitration as in the former agreements, but without the special reservations there made that the arbitrators shall not be subjects of, nor residents in, Sweden or Norway.)

Agreement respecting common waterways.

Art[icle] 1. If within the territories of either country it should be proposed to dam up, lower the level of, or drain a lake make constructions in the waterway, lead off the water or take any measure which might modify its depth, position, or course, the juridical aspect of any such understanding shall be determined by the law of that country, even if the undertaking should have an effect on the water system of the other country. The inhabitants of the latter shall have the same power to protect their rights, as have under similar circumstances the inhabitants of the country where the undertaking is contemplated, and are placed on an entirely similar footing to them.

Art[icle] 2. In conformity with the prescriptions of universal public law such measures as are referred to in Art[icle] 1 shall not be undertaken without the consent of the other country, if the modifications in the water system, within the confines of the one country, shall interfere with the utility of the water-course as a fairway, or involve important dislocation in the water system over a large area.

Art[icle] 3. In all that regards the opening up, maintenance and use of water fairways, the inhabitants of either country shall enjoy the same rights as native subjects.

Art[icle] 4. This Agreement contemplates all lakes and waterways common to the two countries. As common are regarded lakes and waterways which form the boundary between the countries or extend through the territory of both, or have outlets into such lakes and waterways.

Art[icle] 5. This Agreement shall remain in force for fifty years, from January 1, 1906, and be prolonged for a similar period if not denounced by either party five years at least before the expiry of the fifty years' period.

Art[icle] 6. Provides for the settlement by arbitration as in the preceding instrument of all disputes as to the interpretation of this agreement.

The delegates have agreed to the following proposal with regard to the course of further procedure.

1) A proposal shall be submitted to the representative assembly of either country, to recognize, always provided that a corresponding resolution is passed in the other country, the above draft agreements as having reciprocally binding force from the time when Sweden shall have recognized Norway as a State severed from union with Sweden, in accordance with the terms of the following paragraph 2:—

2) When the Riksdag and the Storthing have passed similar resolutions adopting the above draft agreements, a proposal shall be submitted to the Riksdag that it shall on the one hand resolve that, provided the Conventions referred to in paragraph 3 receive due signature, the act of Union shall be repealed so far as Sweden is concerned and on the other hand that it shall sanction the King's recognition, under similar conditions, on behalf of Sweden, of Norway as a State severed from Union with Sweden.

3) When such recognition has been accorded, conventions in accordance with the resolutions of the Riksdag and the Storthing adopting the above draft agreements shall be signed simultaneously in the manner usual in international intercourse, without any ratification being required.

4) After the signature of the conventions above referred to Sweden shall forthwith notify to the Powers with whom diplomatic and consular relations exist, her recognition of Norway as a State severed from Union with Sweden.

5) Each country shall thereupon make representations to the foreign Powers with whom the two countries have concluded treaties or other agreements binding them in common, which are still in force, in order to obtain express recognition that all community of rights and obligations under such treaties has ceased to exist, so that each country may no longer be in [an]y degree responsible for the fulfilment of the obligations of the other.

6) After Sweden has recognised Norway as a State severed from Union with Sweden, and after the conventions referred to in paragraph 3 have been signed, negotiations shall be opened forthwith for the settlement of relations which are determined or modified by or with the dissolution of the Union, and of all the other questions which remain to be cleared up in connection therewith.

The above has been drawn up in duplicate in Swedish and in Norwegian and the delegates from each country have received one copy in Swedish and one in Norwegian.

CHR. LÜNDEBERG.
HJ. L. HAMMARSKJOLD.
F. C. WACHTMEISTER.
KARL STAAFF.
CHR. MICHELSEN.
J. LOVLAND.
CARL BERNER.
BENJAMIN VOGT.

Karlstadt, September 23, 1905.]

No. 83.

M. Loevland to the Marquess of Lansdowne.

F.O. Sweden and Norway 657. *Christiania*, D. le 28 Octobre, 1905, 10·15 P.M.
Tél. En clair. R. le 29 Octobre, 1905, 8 A.M.

L'union de la Norvège avec la Suède ayant été dissoute dont notification a été faite de la part de la Suède, le Gouvernement Norvégien est désireux d'entrer aussitôt possible en relations officielles avec la Grande Bretagne et l'Irlande et espère que le Gouvernement Royal est d'accord.

No. 84.

*The Marquess of Lansdowne to M. Loevland.*F.O. Norway 1.
Tel. En clair.

Foreign Office, October 30, 1905.

I have the honour to acknowledge receipt of your communication of the 28th inst[ant],⁽¹⁾ and to inform you that it will give H[is] M[ajesty's] G[overn-ment] the greatest pleasure to enter into official relations with the Norwegian Gov[ernmen]t.

(1) [v. immediately preceding document.]

No. 85.

*The Marquess of Lansdowne to M. Irgens.*F.O. Norway 1.
Sir,

Foreign Office, November 23, 1905.

I have the honour to acknowledge the receipt of your note of the 16th instant,⁽¹⁾ in which you inform me that the Treaties concluded in common by Norway and Sweden will be considered as valid by the Norwegian Government until further notice by the former State. You also intimate that the Norwegian Government can accept no further responsibility for any obligations contained in such Treaties so far as the State of Sweden is concerned.

I have the honour to state, in reply, that, although the dissolution of the Union between Sweden and Norway undoubtedly affords His Majesty's Government the right to examine, de novo, the Treaty engagements by which Great Britain was bound to the Dual Monarchy, they gladly take note of your intimation of the desire of the Norwegian Government that these engagements should remain in force pending a further study of the subject.

His Majesty's Government also take note of the statement of the Norwegian Government with regard to the hitherto existing Treaty obligations entered into on behalf of Sweden with this country.⁽²⁾

I have, &c.

L[ANSDOWNE].

(1) [Not reproduced, as the substance is given above. The note is in F.O. Norway 1.]

(2) [A similar note, *mutatis mutandis*, had been addressed on November 6 by the Baron de Bildt, Swedish Minister in Great Britain, and acknowledged in a similar manner by Lord Lansdowne on November 16.]

[ED. NOTE.—The two memoranda following (Nos. 86-7) together cover the history of the negotiations during the whole of the period 1905-July 1907. They are printed together for the sake of convenience, as they form the best introduction to the documents recording the important stages of the drafting of the treaty.]

No. 86.

*Memorandum respecting the proposed renewal of the guarantee of the Scandinavian Peninsula.*F.O. 371/98.
14268/2484/06/30.

April 25, 1906.

1. By the Treaty of the 21st November, 1855, Great Britain and France undertook to assist the United Kingdoms of Sweden and Norway by force of arms in the event of any territorial aggression on the part of Russia. The events which led to the conclusion of this Treaty are summarized in the memorandum by Mr. Brant of the 8th May, 1905.⁽¹⁾ When the dissolution of the Union between the two countries appeared imminent, the question whether the treaty would still remain in force for either or both countries immediately engaged the attention of the countries interested.

2. The views of the British Government were set forth in Lord Lansdowne's telegram to Sir R. Rodd, dated the 23rd May, 1905, from which the following paragraphs are quoted:—

"(i.) It is our earnest desire that nothing should occur to impair the integrity of the dual kingdom.

(1) [v. *supra*, pp. 81-2, No. 81.]

" (ii.) It would be a serious blow to British interests if any other Power were to acquire possession of a port on the Norwegian coast. We should therefore do our utmost to prevent such an eventuality.

" (iii.) It is extremely doubtful whether the Treaty of 1855 could be regarded as still in force if a separation of the two kingdoms should take place. In such a contingency we should have to consider with the utmost care the question of the creation of some fresh international arrangement to replace the Treaty. The attitude we should adopt would be to a large extent dependent on that assumed by the two kingdoms towards one another and towards us.

" (iv.) We do not consider it desirable that the new arrangement which may be concluded for securing the integrity of Sweden and Norway should be aimed at Russia alone. It would be preferable that the other Powers, including Russia herself, should be parties to such an agreement."

3. Lord Lansdowne communicated the substance of this telegram to the French Ambassador in London, who promised to give him the views of his Government after consulting M. Delcassé, but nothing further has up to now been received from him on this subject. In his despatch No. 64 A of the 18th May, His Majesty's Minister at Stockholm had reported a conversation with the Crown Prince Regent of Sweden, who expressed the opinion that, in spite of the dissolution of the Union, the Treaty of 1855 might still be considered valid. In this view Sir R. Rodd could not concur, pointing out that the logical result of the dissolution of the Union between Sweden and Norway must be that the Treaty should be considered as having lapsed. His personal opinion was that any renewal of the guarantee would be dependent on the conclusion of some form of defensive alliance between Sweden and Norway. The Crown Prince hoped that such an alliance might be formed, but Sir R. Rodd noticed a dangerous tendency in Sweden to think that Norway alone was exposed to foreign aggression, and that therefore Sweden could safely let her shift for herself.

To Sir F. Bertie,
No. 340,
May 26, 1905.
Sir R. Rodd,
No. 64 A,
May 18, 1905.

4. The question was further raised of enlarging the number of the guaranteeing Powers. During his visit to Windsor in the spring of 1905, the Crown Prince twice entered into conversation with Lord Lansdowne on the subject of the renewal of the Treaty of 1855, and mentioned the possibility of Germany's wishing to become one of the guaranteeing Powers. As His Royal Highness was evidently anxious for a formal statement, his Lordship handed him on the 15th June, 1905, a note containing the following statement:—

" His Majesty's Government would, in spite of the separation of the two countries (Sweden and Norway), look with favour upon the idea of continuing their guarantee of the Scandinavian Peninsula, provided, of course, that such a guarantee were desired both by Sweden and Norway, and that their relations to one another did not offer any obstacle to it. We see, however, no reason why it should be directed against Russia alone, and we should propose to do nothing behind the back of that Power.⁽²⁾

" Your Royal Highness mentioned to me that Germany might desire to become one of the guaranteeing Powers. In that case we should certainly regard with satisfaction her adhesion, as, indeed, we should regard that of any other Power, to an Agreement calculated to maintain the *status quo* in North-West Europe."

5. Some time afterwards the Crown Prince proceeded to Germany and discussed the matter with the Emperor, who said that Germany would be willing to join in the guarantee, but would prefer that the initiative should come from Great Britain and the Scandinavian States.

Mr. Dering,
No. 2,
Telegraphic,
March 7, 1906.

6. The possibility of the renewal of the guarantees appears to have caused some anxiety in Russia, and the Russian Ambassador declared to Lord Lansdowne that a renewal of the Treaty might arouse ill-feeling and suspicion in his country, whereupon his Lordship informed him of the substance of his conversation with the Crown Prince, to show that his fears were groundless.

To Mr. Spring-
Rice, No. 364,
November 6,
1905.

7. The question was somewhat complicated by a statement made at the beginning of 1906 by M. Löfvand, the Norwegian Minister for Foreign Affairs, to the effect that Norway would welcome a guarantee of integrity and neutrality by Great Britain, France, Russia, and Germany. This view appears not to be acceptable to Sweden, as neutralization implies a certain abdication of national position which she does not consider compatible with her traditions and history.

Sir R. Rodd,
No. 7,
January 16,
1906.

8. M. Löfvand subsequently declared in the course of a parliamentary debate that the Norwegian and British Governments were engaged in considering the question of a renewal of the guarantee. This led the Crown Prince of Sweden to express to the British Chargé d'Affaires at Stockholm his surprise at Great Britain's having apparently opened negotiations with Norway without previous reference to Sweden. Mr. Dering was thereupon instructed to explain that this supposition rested on a misapprehension, the British Government not having taken any steps or expressed any views in the matter since the date of Lord Lansdowne's note to the Crown Prince of the 15th June, 1905, to the terms of which the British Government strictly

Mr. Dering,
No. 2,
Telegraphic,
March 7, 1906.

(2) [In the covering despatch No. 17 of June 20, 1905, enclosing this note to Mr. Grant Duff, Lord Lansdowne adds, " I told His Royal Highness that it had been approved by the King and Prime Minister. He expressed himself much pleased with its contents."]

adhered. Some remarks which the Crown Prince let fall on this occasion gave the impression that he expected the British Government to take the initiative in opening negotiations for the renewal of the Treaty of Guarantee, but the Swedish Minister for Foreign Affairs subsequently made it clear that the Crown Prince, as well as the Swedish Government, fully understood that it was for Sweden and Norway to come to some agreement first, and then to approach the several Powers whom they desired to interest themselves in the question of the guarantee.

R. H. HOARE.

No. 87.

Memorandum respecting the proposed Renewal of the Guarantee of the Scandinavian Peninsula.

9170.

July 1907.

The United Kingdoms of Sweden and Norway were guaranteed the armed assistance of Great Britain and France, under the terms of the Treaty of the 21st November, 1855, in the event of any territorial aggression by Russia. The Memorandum by Mr. Brant of the 8th May, 1905,⁽¹⁾ summarizes the events leading to the conclusion of this Treaty.

When the dissolution of the union between Sweden and Norway appeared imminent, the question whether the Treaty would still remain in force for either or both countries immediately engaged the attention of the countries interested.

2. The details of the early course of the discussion of this question were the subject of a Memorandum by Mr. Hoare (the 25th April, 1906), from which the following is quoted. . . .⁽²⁾

7. After an interval of six months the Norwegian Minister in London was instructed by his Government to open negotiations, and on the 9th November he proposed, in an interview with Sir E. Grey, that the Treaty of 1855 should be renewed in such a way that the neutrality of Norway should be recognized, and its independence guaranteed by England, France, Germany, and Russia. A similar request had, he said, been addressed to these Powers, of which Dr. Nansen considered Germany the only doubtful factor.

8. Sir E. Grey informed him, in reply, that he would have to consult Sweden and the three Powers before giving an answer. He understood Dr. Nansen's proposal to mean that the Treaty of 1855 should be renewed in the form of two Treaties—one for Norway and the other for Sweden. He also observed that there was an objection to the guarantee of integrity, as if that were understood to guarantee Sweden and Norway against each other, it would look like interference in the affairs of the peninsula, and might provoke an outcry.

9. The substance of Dr. Nansen's proposal was telegraphed to Mr. Dering, who was instructed to consult the Swedish Government on the matter, and was subsequently informed of the willingness expressed by Germany to negotiate on these lines.

The Swedish Government, however, expressed themselves opposed to a guarantee of neutrality for Sweden, which they considered incompatible with the history and traditions of the country; they were, however, willing to consider seriously the question of territorial integrity.

10. Having complied with their obligation to consult Sweden, His Majesty's Government, having ascertained that the French Government were willing to assist in bringing about an understanding, instructed Sir F. Bertie to suggest that the negotiations as to the form in which the Treaty or Treaties should be drawn up might be conveniently conducted in Paris, with the request that the French Government will mention this suggestion to the German Government.

11. Meanwhile, Sir R. Rodd had reported that the Swedish Government were irritated at the action of Norway in opening the discussion with the Powers without a preliminary discussion with Sweden, and the decision of Norway not to keep Sweden informed of the negotiations caused M. de Trolle to ask Sir R. Rodd to represent to His Majesty's Government the desirability of the Swedish Government being permitted to follow the course of events. In reply to friendly representations on the part of His Majesty's Government, the Norwegian Government subsequently informed Sir A. Herbert of the modification of this decision.

⁽¹⁾ [v. *supra*, pp. 81-2, No. 81.]

⁽²⁾ [Paragraphs 3-6 of the present document are omitted, and the memorandum from which they give an extract is printed in full, v. immediately preceding document.]

Sir R. Rodd,
No. 54,
April 17, 1906.

To Mr. Leech,
November 9,
1906.

To Mr. Dering,
No. 9,
Telegraphic,
November 13,
1906.

To Sir R. Rodd,
No. 10,
November 24,
1906.

Sir R. Rodd,
No. 145,
November 27,
1906.

Sir F. Bertie,
No. 123,
Telegraphic,
December 2,
1906.

To Sir F. Bertie,
No. 687,
December 6;
No. 709,
December 19,
1906.

Sir R. Rodd,
No. 148,
Confidential,
December 4,
1906.

Sir R. Rodd,
No. 154,
Confidential,
December 13,
1906.

To Sir A.
Herbert, No. 5,
January 15,
1907.

Sir A. Herbert,
No. 5,
January 28,
1907.

12. Dr. Nansen, who had on the 8th December intimated to His Majesty's Government the desire of Norway to have four separate Treaties rather than one Treaty signed by all four Powers, communicated unofficially on the 13th December a draft Treaty guaranteeing the neutrality, territorial integrity, and independence of Norway (Appendix I).⁽³⁾ Norway in this draft Treaty reserved to herself the right to assist Sweden or Denmark.
- The reasons of the Norwegian Minister for Foreign Affairs for introducing Denmark into the arrangement were partly historic and partly due to his belief that it would facilitate the acceptance of the Treaty by Russia.
- This reservation met with objections from His Majesty's Government unless these two kingdoms were neutralized.
- But the question of the neutralization of both countries raised a further objection, as this course would, as the Norwegian Minister in Paris admitted to Sir F. Bertie, result in the closing of the Straits, which arrangement would place Great Britain at a great disadvantage.
- The reservation in favour of Denmark was also adversely criticized by the Swedish Minister for Foreign Affairs in conversation with Sir R. Rodd, to whom he stated that it would have the effect of making the declaration of neutrality practically nugatory.
- The Russian Government, who had accepted the proposal to negotiate with the Powers on the lines proposed by Norway, made "all reservations" in regard to the Norwegian draft Convention, according to the French Minister for Foreign Affairs, who thought that the reservation in favour of Denmark might have been inspired by Germany. The French Ambassador in Berlin informed Sir F. Bertie that the German Emperor had at first declared that nothing would induce him to agree to the neutralization of Norway, but that his change of attitude was no doubt due to a desire for the closing of the Baltic, which, if accomplished, would suit France as little as it did England.
13. In the opinion of Dr. Nansen, the situation was not at all satisfactory at this moment. His Government had learned that Germany resented the action of France in putting herself at the head of affairs, and would not accept the proposal that a Conference should be held in Paris. The idea of a Conference was, he said, also opposed by Russia.
14. On the 16th January the Norwegian Chargé d'Affaires informed Sir E. Grey that his Government desired the observations of the four Powers on their draft, and hoped then to draw up a Treaty which they might put forward officially. The Conference or discussion might then take place at Christiania.
15. M. Cambon informed Sir E. Grey on the 18th January that his Government objected to the Norwegian draft and to the reservation in favour of Denmark and Sweden. They also were in favour of one Treaty instead of four. The views of the French Government were set forth in a note communicated by M. Cambon on the 22nd January, on which day the Russian Chargé d'Affaires communicated a similar note, setting forth the objections felt by his Government towards the draft and submitting a counter-draft (Appendix II).⁽⁴⁾ which was on the whole in harmony with Sir E. Grey's views and with those of the French Government.
- The chief point of divergence was in regard to the question of the abrogation of the 1855 Treaty, concluded by Great Britain and France with the Kingdom of Sweden and Norway, on which point the French and Russian Governments held views which His Majesty's Government did not share.
- An important point was raised by Sir F. Bertie, who drew attention to the fact that, under the Russian draft, Norway might of her free-will cede or grant to a foreign Power rights over Norwegian territory, and suggested dropping the question of neutrality. Sir E. Grey objected to taking the initiative in this course for fear of exciting Russian and German suspicions.
16. Sir E. Grey then suggested to the French Government that an exchange of views should take place respecting the abrogation of the 1855 Treaty, and that when this point had been settled by the two Governments they should proceed to discuss with Germany and Russia the terms of the Russian counter-draft. M. Piehon shortly afterwards accepted this proposal on behalf of the French Government, and M. Cambon subsequently informed Sir E. Grey that the French Government were prepared to exchange notes with His Majesty's Government, stating that the 1855 Treaty had ceased to exist, which course the Swedish Government were prepared to agree to, although they preferred that the point should not be raised for the moment.
17. Sir E. Grey informed Dr. Nansen of his agreement with the Russian views which the latter said had met with the approval of Germany, but had called forth several objections on the part of the Norwegian Government, the most important of which was that they did not like the proposed guarantee of neutrality. All they wished for was an acknowledgment of neutrality and a guarantee of integrity.

To Mr. Leech,
No. 99,
December 5,
1906.

Dr. Nansen,
December 13,
1906.

Sir R. Rodd,
No. 2,
January 8, 1907.

Sir E. Grey's
Minute on the
Draft Treaty
[App. I].

Sir F. Bertie,
No. 531,
Confidential,
December 20,
1907.

Sir R. Rodd,
No. 157,
Confidential,
December 18,
1906.

Sir F. Bertie,
No. 236,
Confidential,
December 23,
1907.

Sir A. Herbert,
No. 3,
Confidential,
January 13,
1907.

To Sir A.
Herbert, No. 7,
January 16,
1907.

To Sir F. Bertie,
No. 32,
January 18,
1907.

M. Cambon,
January 22,
1907.

See Minutes
on Russian
Counter-Draft
[App. II].

Sir F. Bertie,
No. 79,
Confidential,
February 9,
1907.

To Sir F. Bertie,
No. 58,
February 4,
1907.

Sir F. Bertie,
No. 72,
February 8,
1907.

M. Cambon,
March 6, 1907.

Sir R. Rodd,
No. 33,
Confidential,
March 15, 1907.

To Sir A.
Herbert, No. 11,
January 30,
1907.

⁽³⁾ [v. immediately succeeding document.]

⁽⁴⁾ [v. *infra*, pp. 101-2, No. 89.]

To Sir A.
Herbert, No. 13,
February 7,
1907.

18. Dr. Nansen, in referring to the matter a few days later, said his Government would prefer to have a Treaty of integrity alone rather than one imposing neutrality without reservations. In reply to his request that His Majesty's Government should sound the Powers as to their views with regard to a proposal, in this sense he was told that it was preferable that the Norwegian Government should do this themselves.

Dr. Nansen,
March 13.

19. The Norwegian Minister on the 13th March communicated a fresh draft Treaty (Appendix III)⁽⁵⁾ with observations. This draft had been revised so as to meet the wishes of the Russian Government, from which, however, it diverged in certain important particulars, notably in the provisions for assistance to be rendered by the Signatories to Norway, should the case arise, a reservation under which Norway may assist Sweden or Denmark under certain circumstances, and the Treaty shall thereby lapse.

(Minute on
above-
mentioned note
[App. III].)

This draft Treaty was submitted to the consideration of the Committee of Imperial Defence, and it was decided to await the criticisms of the other Powers.

To Sir F. Bertie,
April 22, 1907.

In reply to inquiries by M. Cambon on the 22nd April, Sir E. Grey said he saw difficulties in recognizing the conditional neutrality of Norway, from which she would have power to withdraw. In these circumstances, it seemed to him as though it would be better to drop the neutrality question.

To Sir A.
Herbert, No. 38,
May 2, 1907.

20. Dr. Nansen in a further conversation told Sir E. Grey that Germany, while expressing herself favourable to the Norwegian proposals, seemed disinclined to grant any guarantee at all, and Russia, he had heard, objected to any reservations as to neutrality. Sweden seemed to wish to regard the old Treaty as still in force, but he thought in time she would become favourable to a new Treaty.

Sir R. Rodd,
No. 61,
May 7, 1907.

Sweden, as a fact, was opposed to a guarantee of the integrity of Norway without a guarantee of her neutrality, as she considered that it would enable Norway to join another Power in attacking Sweden by sea, while Sweden would be unable owing to the guarantee to cross the frontier.

Defence
Committee,
June 4, 1907.

The Defence Committee, to which the second Norwegian draft had been referred, expressed the opinion that it was impracticable to introduce a clause guaranteeing neutrality into any Treaty which might be negotiated.⁽⁶⁾

Foreign Office, July 1907.

⁽⁵⁾ [*v. infra*, pp. 109-10, No. 93.]

⁽⁶⁾ [*v. infra*, p. 116, *Ed. note.*]

No. 88.

First Norwegian Draft Treaty.

Communicated unofficially by Dr. Nansen, December 13, 1906.

Projet.

F.O. 971/98.

41969/2484/06/30.

Sa Majesté le Roi de Norvège et Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes, ont résolu de conclure un Traité ayant pour objet d'assurer la neutralité, l'intégrité territoriale et l'indépendance de la Norvège, et ont nommé pour Leurs Plénipotentiaires respectifs . . .⁽¹⁾

lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit :

ARTICLE I.

Le Gouvernement Norvégien déclare, de son côté, son intention de garder une permanente neutralité conformément aux règles de droit international. Toutefois, il se réserve la liberté de s'entendre avec les Gouvernements suédois et danois ou avec l'un d'eux dans le but de sauvegarder, par une assistance mutuelle, la neutralité des pays respectifs.

ARTICLE II.

Le Gouvernement Britannique s'engage, de son côté, à reconnaître et à respecter, dans toutes ses conséquences, la neutralité de la Norvège ainsi déclarée par le Gouvernement Norvégien.

⁽¹⁾ [Thus in original.]

ARTICLE III.

Le Gouvernement Norvégien s'engage à ne céder à aucune Puissance aucune partie du territoire Norvégien ni aucun droit sur le dit territoire ou sur les côtes de Norvège, et s'engage, en outre, à ne permettre à aucune Puissance d'occuper aucune partie du territoire Norvégien.

ARTICLE IV.

Si l'intégrité ou l'indépendance de la Norvège venait à être menacée ou lésée, le Gouvernement Britannique s'engage à prêter son appui au Gouvernement Norvégien, après demande de ce dernier, et, si nécessaire, après demande, à employer, à ses propres frais, des forces de terre et de mer suffisantes pour coopérer avec les forces Norvégiennes dans le but d'assurer l'intégrité et l'indépendance de la Norvège.

ARTICLE V.

Le présent Traité restera en vigueur pendant vingt ans, à partir du jour de l'échange des ratifications. Si le Traité n'est pas dénoncé par l'une ou l'autre des Hautes Parties contractantes au moins cinq années avant l'expiration de la dite période, il restera, de la même manière, en vigueur pour une nouvelle période de vingt ans, et ainsi de suite.

ARTICLE VI.

Le traité conclu le 21 Novembre 1855 entre S[a] M[ajesté] le Roi de Suède et de Norvège, S[a] M[ajesté] la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande et S[a] M[ajesté] l'Empereur des Français concernant l'intégrité de la Suède et de la Norvège est abrogé pour ce qui concerne la Norvège d'une part, la Grande-Bretagne et la France d'autre part.

ARTICLE VII.

Le présent Traité sera ratifié et les ratifications seront échangées à Kristiania le plus tôt possible.

En foi de quoi, &c.

Fait à Kristiania, le

MINUTES.

Observations on Norwegian draft treaty as communicated by Dr. Nansen, Dec[ember] 13/06.

The text shows evidence of being a translation into French of some originally Norwegian document. The wording is not always very elegant. But we are not presumably called upon to go into matters of style. As regards the essence of the stipulations :

Article 1 contains the clear enunciation of Norway's intention to observe a perpetual neutrality. This must of course be read subject to the provision in article 5 that the treaty may be denounced after 20 years. Then follows a reservation of the right of Norway to concert measures with the Swedish and Danish governments, or either of them, for active mutual assistance for the protection of each other's neutrality. It is necessary to be quite clear what this means. I understand absolute neutrality to mean that the State so neutralized (whether by its own declaration or by a guarantee of other powers) is not allowed to go to war in any circumstances with anybody, unless actually attacked, or unless its neutrality is violated, by some other power. To this general rule, Norway wants to make an exception : she desires to be free to come to the assistance of Sweden or Denmark if they are attacked or their neutrality is violated. This reservation would have no practical sense unless these two countries were also to declare their neutrality or have it guaranteed. The powers who are at present negotiating for the recognition of Norwegian neutrality, are therefore asked to concede to Norway an exception to the ordinary duties of a neutral in consideration of a possible future contingency which may not arise and which in fact could not be brought about without the express consent of those very powers, namely the recognition by them of Swedish and Danish neutrality. The question arises whether powers are likely so to bind themselves.

Under article 4 of the present draft treaty the guaranteeing powers are to engage to employ their military and naval forces with a view to prevent or repel any infringement of Norway's

integrity or independence. This obligation is now to be extended to meeting also any attack on Sweden or Denmark, which by involving Norway under the proposed scheme of mutual armed assistance as between the 3 Scandinavian States, may very possibly lead to a violation of Norway's integrity or independence.

So far as England is concerned, I should be disposed to think that her interests would be served by any arrangement tending to assure the neutrality and integrity of the 3 Kingdoms. But whether her interests in this matter are so vital as to justify her undertaking the serious additional obligations contemplated, must be weighed from a naval and military point of view before a final opinion can be expressed. Probably, if France, Germany, and Russia were willing to join, England would do well to associate herself with them, as the risks of a collision and the military and naval obligations would thereby be materially diminished. But Sir E. Grey will no doubt desire to take the advice of the Committee of Imperial Defence on these points first.

If it should be found ultimately impossible to come to an agreement concerning the proposed Norwegian reservation, it may be as well to remember that as we know Sweden to be at present unlikely to come into a treaty of guarantee of integrity, let alone a recognition of her permanent neutrality, and as we have no indication of Denmark being anxious to move in the matter, it is in any case highly improbable that the Norwegian reservation, even if accepted, could have any immediate practical effect. If and when, on the other hand, Sweden and Denmark approach the powers for the purpose of concluding an agreement on the same general lines as the present Norwegian one, and if the powers then agree to this, there will be no difficulty in reconsidering the question of the relations of the 3 guaranteed States *inter se*, and if necessary, in making a fresh agreement with Norway. So that Norway would not really lose much by abandoning the proposed reservation for the present. It is not however necessary, nor indeed, I think, desirable, that we should use this argument now in order to influence the Norwegian gov[ernmen]t. It would be preferable that the objection should come from the other powers.

Article ii calls for no comments.

Article iii engages Norway not to allow the cession or occupation of any part of her territory by a foreign power. This stipulation would, as I have said elsewhere, be strengthened if all the four guaranteeing powers signed one treaty together. Supposing Russia seized a Norwegian port and by threats or other means so frightened or influenced the Norwegian gov[ernmen]t that it were made willing to abstain from any protest, or even urged the other guaranteeing powers not to interfere, as that would make Norway's plight but the worse, in such a contingency, England could of course insist with Norway on the fulfilment of the obligation contained in this article iii, but she would have no direct cause of complaint as against Russia who could plead that so far as she infringed any Norwegian treaty right, that infringement was condoned by Norway herself. If on the other hand England and Russia had both signed a treaty together, England would have the right to call upon Russia direct to fulfil her treaty obligation undertaken towards England.

I do not know whether much importance need be attached to this aspect of the matter. But in case the Norwegians have merely overlooked it, it might be worth pointing out to them.⁽²⁾

Article iv raises the important question of the armed assistance to be rendered by this country for the purpose of upholding the treaty. No doubt the obligation to be undertaken is a serious one. It might involve us in a war with either Germany or Russia in certain contingencies. It should however be borne in mind that as against Russia, this obligation has until quite recently already existed, as England was bound to render armed assistance to the united Kingdom of Sweden and Norway in case of Russian aggression, under the treaty of 1855. Moreover, whilst under that treaty, we were associated with one power, who might or might not have shared our responsibility in practice, the new treaty would, in case of an infringement by one of the signatories, bring together the 3 remaining ones in Norway's defence—at least that is the reasonable possibility.

This article iv should no doubt engage, with the reservation in article i, the special attention of the Defence Committee.

Article 5 provides for the continuance of the treaty in force for 20 years, after which it is to go on for further successive periods of 20 years unless denounced. Practically the article deals with the contingency of the treaty not being denounced, and so remaining integrally in force. It would surely be well to add some stipulations as to what is to happen if one or more powers do denounce it? The question is whether in that case the treaty should remain binding on the remainder. This again raises some difficult strategical considerations. Supposing Germany and Russia were to denounce; this would obviously be the prelude to some attack on their part. England's decision at present to join in the guarantee and to render armed assistance, is largely influenced by the fact that the other powers stand by her side and so make a conflict exceedingly problematical. There is comparatively little risk. In the contingency

(2) [Marginal comment by Sir E. Grey: "I have pointed this out to Dr. Nansen in conversation. I put it that one treaty signed by four Powers represented a double obligation on the part [of] each Power (1) to Norway and (2) to the other three Powers signing. Four separate Treaties represent only a single obligation on the part of each Power. E. G."]

just foreshadowed, the risk would be considerable and immediate. France and England might well hesitate what to do under such novel circumstances. On the whole it may well appear desirable to stipulate that with the withdrawal of one power, the whole treaty lapses, or must be reconsidered.⁽³⁾

Articles 6 and 7 call for no remarks.

In connection with the possible inclusion of Denmark and Sweden in the guarantee and neutrality arrangements, the opinion has found expression that the neutralization of the two countries between which lies the principal passage from the North Sea into the Baltic would involve the closing of the Great Belt (see 42684).⁽⁴⁾ Sir C. Hardinge has already pointed out that this result by no means necessarily follows, and has pointed to the analogy of the Suez Canal.

It is quite possible that the different views which the continental powers might take of this question, may influence them in their attitude towards the proposed Norwegian reservation as regards the neutrality of Sweden and Denmark. It is clear that when the question of that neutrality comes up for discussion, England must have ample guarantees for the freedom of the narrow waters, before tying her hands in any way, and the Suez canal convention of 1888 would afford a good basis for some definite enunciation of principles.

E. A. C. Dec. 28.

Sir F. Bertie sh[oul]d have these observations by him, when the Treaty comes to be discussed at Paris.

E. B.

It should go to the Committee of Defence and Mr. Crowe's minute should be printed.

My own view as at present advised is substantially that of Mr. Crowe.

The narrow waters of passage should be treated as the Suez Canal. Subject to this the larger the scope of a treaty of neutrality and integrity the better. But we must not incur the odium of pressing in our own interest more than the other three Powers will agree to. Norway cannot have liberty to join Sweden and Denmark till they also make declarations of neutrality recognized by the same Powers as recognize the neutrality of Norway. If article iv remains the Treaty should be one Treaty signed by all four Powers rather than four separate Treaties each signed by one Power.

E. G.

⁽³⁾ [Marginal comments by Sir E. Grey and Sir E. Barrington: "It is this point which makes Norway prefer four separate Treaties." [E. G.] "Then these w[oul]d be no use to Norway if a Treaty at all. E. B." "It would be good for 20 years. E. G."]

⁽⁴⁾ [Not reproduced. It contains a despatch from Sir F. Bertie (No. 531 of December 20, 1906) in which the view quoted above as to the closing of the Great Belt is attributed to the Norwegian Minister at Paris. Sir C. Hardinge's opinion referred to above is given in an attached minute. (F.O. 371/98, 42684/2484/06/31.)]

[ED. NOTE.—The draft treaty went much too far for the four Powers concerned, who disapproved the obligation of armed support, the reservation of a right to aid Denmark or Sweden in the event of their neutrality being violated, and the increased responsibility involved in signing four separate Treaties instead of a collective Treaty. A more limited proposal, drafted with the aid of the German Government, was communicated by the Russian Government to the Foreign Office on January 22, 1907. (v. immediately succeeding document.)]

No. 89.

First Russian Counter-Draft Treaty.

Communicated by the Russian Embassy, January 22, 1907.

F.O. 371/295.

2698/9/07/30.

Contre-projet de Convention.

Sa Majesté le Roi de Norvège, prenant en considération le changement apporté à la situation de la Norvège par suite de la dissolution de son Union avec la Suède, animé du désir d'assurer à la Norvège son indépendance et son intégrité territoriale, ainsi que les bénéfices d'une paix et neutralité permanente,

voulant conclure à cet effet une convention internationale, en remplacement du traité conclu le 21 Novembre 1855 par Sa Majesté le Roi de Suède et de Norvège

with Russia, do not consider the treaty of 1855 to have lapsed owing to the dissolution of union between Sweden and Norway.—If this view be accepted, the French position is more logical than the Russian: France maintains that the old treaty can only be abrogated by a fresh instrument signed by the plenipotentiaries of the original contracting parties; she suggests a separate treaty for this purpose, quite apart from the proposed separate arrangement with Norway.

Article ii provides that Norway "shall henceforth form a perpetually neutral State."—It is possible that Norway may object to this wording. She is anxious that her neutrality should be "declared" by herself, and recognized by the guaranteeing powers. The difference in shade of meaning is however so slight that no serious difficulty ought to arise in this connection.

Article iii takes the place of the 2nd, 3rd, and 4th articles of the Norwegian draft, and gives effect to the views explained in the Russian note, with which I find myself in agreement, and which, I should say, will probably be found acceptable by all the other parties. It altogether eliminates the difficulty inherent in Norway's original proposal that the guaranteeing powers should engage to furnish at their own cost the armed force necessary to carry out the stipulations of the treaty.

Article iv is designed, partly, to meet the views of the Norwegian government as regards the position of Sweden and Denmark. The Russian government adopt the same attitude as that of Sir E. Grey in objecting to the Norwegian reservation in favour of freedom to render armed assistance to those two countries. But I confess that the solution proposed by Russia does not really touch the question raised by Norway at all. The proposal to allow Sweden and Denmark, as well as other powers, to accede to the new convention, may or may not be a good one. M. Cambon's note also expresses the desire to have Austria and Italy join the guarantee, and Denmark and the Netherlands participate in the recognition of neutrality. But that is quite a different matter to allowing Sweden and Denmark to arrange with Norway for mutual defence. The latter arrangement includes the two countries in the subject matter which is to be the purport of the stipulations of the treaty. What Russia proposes is to associate Sweden and Denmark with the contracting and guaranteeing powers. It is however exceedingly probable that the original Norwegian "reservations" respecting Sweden and Denmark will not prove acceptable to any of the powers, and if those reservations are dropped, the provision allowing other States to accede to the treaty seems inoffensive if not beneficial, and H[is] M[ajesty's] G[overnment] could certainly agree to it.

Article v, I think Russia is eminently right in proposing to make the treaty permanent, and I doubt whether any power will object to this. It would dispose entirely of the difficulty as to the provisions to be adopted in case of denunciation by any one contracting party; and thereby Norway's makeshift of substituting four treaties for one, loses its sense.

These Russian proposals will, if the foregoing remarks are concurred in, enable H[is] M[ajesty's] G[overnment] to adopt the attitude of "following Russia's lead" in this matter, which it may for general political reasons, be desirable at this moment to emphasize, and I think it would be an advantage if we were at once to reply to the Russian note by expressing the gratification of H[is] M[ajesty's] G[overnment] at finding themselves in this matter in practically complete agreement with the Russian government, as the views now formulated by them are the same as those at which H[is] M[ajesty's] G[overnment] had on their part independently arrived. We could then promise to examine the Russian text in detail and to communicate later on any remarks or suggestions that after such study may occur to us.

Qu: So reply, and send copy of the correspondence to H[is] M[ajesty's] Representatives in the several countries interested.

Should the Russian and French notes be circulated to the Committee of Imperial Defence?
E. A. C. Jan[uary] 24.

We can safely reply as proposed. The notes sh[oul]d be circulated to the Committee.

E. B.

I think it would be better if instead of Art[icle] 1, which allows other Powers who were not parties to the Treaty to announce its abrogation it would be better [sic] to insert a clause in the preamble to the effect that the Treaty of 1855 concluded with the King of Sweden and Norway having, through the dissolution of the Union ceased to have effect. . . .⁽³⁾

It would at the same time be desirable to obtain an expression of opinion from the Gov[ernmen]t of Sweden in this sense, a course which according to Sir R. Rodd would in his belief present no difficulty.

Otherwise I think we might act as suggested by Mr. Crowe after we have consulted the French Gov[ernmen]t who will probably agree.

C. H.

We can accept the French view that the 1855 Treaty has not been ipso facto abrogated provided it is admitted that it is to be abrogated. I think it would be better to say nothing about the 1855 Treaty in the new one, but for ourselves, France, Sweden and Norway to sign some instrument to put an end to it and to communicate this to the other Powers, who could take note of it. The four guaranteeing Powers could also make a declaration amongst themselves

(3) [Thus in original.]

of their readiness to admit Sweden to a similar guarantee if Sweden wished to have some intimation that the door would be kept open for her, but this point had better be reserved for the present. Someone might raise the question of whether the same should be done for Denmark, which would be awkward and would raise the Great Belt question.

All that we need do in the first instance is to tell the French Gov[ernmen]t that we are in agreement with their point of view, which seems also to be adopted in the Russian draft and that if they agree we are ready to reply to the Russians as Mr. Crowe proposes.

E. G.

The Russian draft should go to the Committee of Defence, but the point they are really concerned with is what provision should be made as regards the narrow passage to the Baltic and that will not arise in a Treaty confined to Norway. The C[ommittee of] I[mperial] D[efence] will no doubt observe that the Russian draft avoids the risk of having to defend Norway by force and alone, which was involved in the Norwegian draft.

E. G.

No. 90.

Note sur le projet de traité soumis au Gouvernement Français par le Gouvernement Norvégien.

Communicated privately by M. Paul Cambon, January 22, 1907.⁽¹⁾

F.O. 371/295.

2672/9/07/30.

D'après son article 6, le projet est destiné à remplacer, en ce qui concerne la Norvège, le traité d'alliance conclu le 21 Novembre 1855 entre la France et la Grande Bretagne d'une part, la Suède et la Norvège de l'autre.

Ce traité était conelu sans limitation de durée, il subsiste donc encore malgré les changements survenus dans la situation respective des parties.

On peut se demander si la séparation des deux royaumes scandinaves est de nature à produire quelque effet au point de vue de l'application du traité. Celui-ci visait les territoires des deux royaumes qui étaient également protégés contre une agression éventuelle de la Russie. Cela ne donne-t-il pas aux deux royaumes le droit de s'en prévaloir séparément comme ils auraient pu le faire conjointement, si l'union avait persisté entre eux? La Norvège l'entend évidemment ainsi; il n'y a pas de raison pour qu'il n'en soit pas de même de la Suède. J'estime qu'elles sont l'une et l'autre dans leur droit.

Le projet soumis par la Norvège présente de profondes différences avec le traité du 21 Novembre 1855.

D'abord au point de vue des parties contractantes. En 1855, nous trouvons la France et la Grande Bretagne d'une part, la Suède et la Norvège de l'autre. En 1907, il n'y a plus que la France et la Norvège.

Une première réflexion s'impose. Comment pourrait-il y avoir vraiment abrogation par suite d'une espèce de novation, si les parties contractantes ne sont pas les mêmes dans le traité ancien et dans le traité nouveau?

Le projet paraît bien vouloir réserver le droit de la Suède qui ne peut naturellement pas être supprimé sans sa participation, mais il semble que le traité nouveau que la Norvège demande à la France de conclure va de plein droit remplacer le traité de 1855 en ce qui concerne la Grande Bretagne (art. 6 in fine). C'est impossible, puisque celle-ci est comme la Suède en dehors de l'arrangement projeté qui est pour l'une comme pour l'autre *res inter alios acta*. On dira peut-être qu'il y a là une subtilité de jurisconsulte, qu'en réalité il y a une profonde différence de fait puisqu'un projet identique est soumis à la Grande-Bretagne, tandis qu'il n'en est pas de même pour la Suède. C'est vrai, mais ce n'est pas décisif, à mon avis. Il aura beau y avoir deux traités identiques, ces traités n'en auront pas moins chacun une existence distincte, une vie propre; ils auront leurs causes d'extinction spéciales et il restera inexplicable qu'un de ces traités soit présenté comme produisant effet à l'égard d'une Puissance qui n'y est point partie.

La vérité dictée par le bon sens comme par les principes juridiques est que l'accord qui a été nécessaire pour faire le traité du 21 Novembre 1855 est aussi nécessaire pour l'abroger et que cet accord n'est sérieux que si les consentements nécessaires se manifestent simultanément dans un même acte. Autrement tout est équivoque.

J'arrive à l'examen des dispositions mêmes du projet. D'après le préambule, le traité projeté aurait "pour objet d'assurer la *neutralité, l'intégrité territoriale et l'indépendance de la Norvège.*" Le traité de 1855 parle plus brièvement d'assurer *l'intégrité* des Royaumes Unis. Le projet va loin.

D'après l'article 1^{er}, le "gouvernement norvégien déclare son intention de garder une permanente neutralité conformément aux règles du droit international." Mais le projet ajoute

⁽¹⁾ [The text from which this document is printed is a typed copy; the accents and spelling have been reproduced unchanged.]

immédiatement: " toutefois, il se réserve la liberté de s'entendre avec les gouvernements suédois et danois ou avec l'un d'eux dans le but de sauvegarder, par une assistance mutuelle, la neutralité des pays respectifs."

Il y a là quelque chose qui mérite d'attirer l'attention. La Norvège ne se fiant pas suffisamment à la reconnaissance de sa neutralité et à la garantie qu'elle demande à la France, se réserve la faculté de contracter une alliance défensive avec les deux autres Etats Scandinaves conjointement ou séparément. Cela peut se comprendre politiquement. Ce n'en est pas moins une grave dérogation aux règles du droit international conformément auxquelles devrait fonctionner la permanente neutralité déclarée par la Norvège. Un Etat perpétuellement neutre ne peut prendre un engagement de nature à l'entraîner dans une guerre. Ainsi, à plusieurs reprises, on a émis l'idée d'une alliance défensive entre la Belgique et la Hollande qui semblerait être dans les intérêts des deux pays; mais on a toujours fait remarquer qu'il y aurait là quelque chose de contraire à la situation de la Belgique comme Etat perpétuellement neutre.

La gravité de la réserve faite par la Norvège sera signalée plus loin à un autre point de vue qui offrirait pour nous un intérêt non seulement théorique, mais tout pratique.

D'après l'article 2, le gouvernement de la République s'engage à reconnaître et à respecter, dans toutes ses conséquences, la neutralité de la Norvège ainsi déclarée.

C'est un engagement très simple que nous pouvons prendre sans difficulté.

D'après l'article 3, le Gouvernement norvégien s'engage à ne céder à aucune puissance aucune partie du territoire norvégien ni aucun droit sur ledit territoire ou sur les côtes de Norvège, et s'engage, en outre, à ne permettre à aucune puissance d'occuper aucune partie du territoire norvégien.

C'est un engagement analogue à celui du traité de 1855, si ce n'est que ce dernier ne visait que la Russie, tandis qu'il s'agit maintenant d'une puissance quelconque.

La Norvège n'est évidemment pas disposée à céder une parcelle de son territoire; elle veut se faire protéger contre une pression qui serait exercée sur elle.

L'article 4 est le plus important, puisqu'il a pour but de déterminer l'engagement que l'on demande à la France de prendre. Il faut donc en préciser les termes avec soin.

" Si l'intégrité ou l'indépendance de la Norvège venait à être menacée ou lésée, le Gouvernement de la République française s'engage à prêter son appui au Gouvernement norvégien, après demande de ce dernier, et, si nécessaire, après demande, à employer, à ses propres frais, des forces de terre et de mer suffisantes pour coopérer avec les forces norvégiennes dans le but d'assurer l'intégrité et l'indépendance de la Norvège."

La formule de la garantie est très compréhensible. Elle dépasse les termes de l'engagement pris par la Norvège dans l'article 3. Il ne s'agit pas seulement de la protéger contre une demande de cession du territoire, mais contre toute menace ou lésion soit de son intégrité soit de son indépendance ce qui est bien plus large. Au contraire, dans le traité de 1855, il y avait exacte concordance entre l'engagement pris par le roi de Suède et de Norvège (art. 1^{er}) et le secours qui lui était promis (art. 2).

Il faut remarquer de plus, que comme il a été dit plus haut, la Norvège se réservant de conclure une alliance défensive avec les autres Etats scandinaves, une attaque contre ces derniers pourrait amener la Norvège à coopérer avec le pays attaqué, compromettre, par suite, son intégrité. Elle ferait appel à notre assistance, nous serions donc forcés d'agir. Nous subirions le contre coup des événements concernant la Suède et le Danemarck, par cela seul qu'il plairait à la Norvège de conclure avec eux une alliance comme elle se réserve de le faire. N'est-ce pas bien grave?

Il existe une bien autre différence entre le traité de 1855 et le projet. Nous ne nous trouvons en face que de la Norvège qui a évidemment une force de résistance moindre que celle qu'avaient les Royaumes Unis; l'obligation du garant est d'autant plus lourde que la garantie est plus faible. D'autre part il s'agirait pour la France de s'engager seule à fournir sa coopération dans des circonstances un peu indéterminées, tandis qu'en 1855, la France s'est engagée avec la Grande Bretagne en vue d'une hypothèse précise; de plus, les mesures à prendre devaient être concertées. La responsabilité d'un engagement séparé est plus grave que la responsabilité d'un engagement collectif. Des engagements plus ou moins juxtaposés n'équivalent pas à un arrangement conjoint consigné dans un même acte.

J'ajoute, au point de vue politique, que l'intérêt de la France relativement à la Norvège ne me paraît pas assez direct, assez impérieux pour justifier et même expliquer un engagement de cette sorte. Je comprendrais seulement que la France fut portée à un traité constituant la neutralité de la Norvège sous la garantie collective des diverses puissances intéressées qui ne sont pas seulement comme en 1855, la France et la Grande Bretagne. Il y aurait là un acte solennel, inspiré par l'intérêt général de l'Europe, dont la France peut être appelée à assurer le maintien avec les autres puissances, dont elle peut même faciliter la conclusion précisément parce que son intérêt propre n'est pas directement engagé. L'opinion publique le comprendrait aisément tandis que je crois qu'elle accepterait difficilement un engagement individuel et absolue comme celui qui est proposé.

En même temps que cet acte européen, il faudrait en signer un ayant pour but de faire disparaître le traité du 21 Novembre 1855 et auquel serait naturellement portées les puissances représentées à ce dernier traité. Momentanément on ferait au besoin abstraction de la Suède à

laquelle on réserverait la faculté d'accession de manière qu'elle ne soit pas obligée de délibérer trop tôt avec la Norvège. L'essentiel est que la France et la Grande Bretagne participent à cet acte spécial en même temps que la Norvège.

Enfin on pourrait examiner la question de savoir s'il n'y aurait pas lieu de distinguer les Puissances en deux catégories, celles qui reconnaîtraient et garantiraient la neutralité de la Norvège, celles qui se borneraient à la reconnaître et à promettre de la respecter sans s'engager à la faire respecter. L'Allemagne, la France, la Grande Bretagne et la Russie doivent figurer parmi les premières; l'Autriche-Hongrie et l'Italie verraient ce qu'il leur convient de faire en qualité de grandes puissances européennes. On concevrait que la Suède, le Danemark et les Pays-Bas fussent appelés à reconnaître sans garantir.

Tout cela aurait besoin d'être précisé suivant les dispositions des diverses Puissances que je ne connais pas. J'ai voulu indiquer seulement les questions de nature à se présenter.

Signé : RENAULT.

MINUTES.

The French criticisms of the Norwegian draft treaty agree largely with the views formed here and with those expressed in the Russian note (2693).⁽²⁾ No alternative draft is put forward.

Most of the objections raised in the present note will fall to the ground if the Russian draft is accepted, as I think it is likely to be, by France also. There remains only the question of the abrogation of the treaty of 1855. H[is] M[ajesty's] G[overnment] have been inclined to the view that that treaty lapsed on the dissolution of the union between Sweden and Norway. I presume this view to be largely based on the fact that the engagements and stipulations in the treaty are made by and in the name of the "King of Sweden and Norway." The argument would be that such a King no longer exists and that therefore the provisions of the treaty fell to the ground.—But I do not find that Lord Lansdowne ever referred the question to the Law Officers, or took other legal and technical advice. I doubt whether it be worth doing so now. If France (and Russia) and Sweden agree in holding that the old treaty is still in force, as an arrangement binding on Sweden and Norway separately, no useful purpose will be served by a prolonged legal argument on the subject. But if we accept the French view, the formal abrogation of the old treaty becomes necessary, and although it would be easy to effect this if the contracting powers were agreed, there may arise a difficulty if Sweden should refuse her assent, encouraged by the admission of the validity of the old treaty so far as she is concerned.

I should myself have supposed that the best way would be simply to "passer outre," and say nothing about the old treaty except that we should formally communicate to Sweden and to Norway the opinion of H[is] M[ajesty's] G[overnment] that the treaty has lapsed and that they no longer consider themselves bound by any of its stipulations.—But we do naturally not desire to place France in any difficulty, and perhaps our best course would be that, after stating the above opinion we should ask the French Gov[ernment] to make a definite proposal, in the shape of a separate draft treaty, for the formal abrogation by an instrument to which Sweden's signature could be obtained.

I doubt the wisdom of getting Austria, Italy, Denmark and Holland to join in the new treaty. But if this be insisted upon, we need not object. Perhaps the Russian suggestion for an arrangement by which other powers can later on accede to the treaty, would solve the question. I confess however to some doubt as to whether the accession of any additional power to a treaty of this kind is likely to happen, once the treaty is signed. It is difficult to imagine any real object to be served by such a stipulation.

E. A. C.
Jan. 24.

This comm[unicatio]n is evidently so informal that we can express our opinion of it freely to M. Cambon without offence.

I sh[oul]d have thought that a formal abrogation of the Treaty of 1855 was quite unnecessary, at any rate until Sweden offers to negotiate. Norway by proposing a new Treaty evidently considers that the old one has lapsed. If the French agree to the Russian drafts a great deal of trouble will be saved.

There can be no advantage in dragging other Powers into the negotiations, though their accession to a new Treaty would be unobjectionable.

E. B.

I see no reason why Austria, Italy and Holland should take part in the proposed Treaty.

Sir R. Rodd has reported that it is generally admitted in Sweden that the Treaty of 1855 can no longer be considered in force.

C. H.

M. Cambon said that this, which is the text of the report of their jurisconsult, was to be communicated to me privately. We had therefore better not refer to it in communicating with the French, but base our reply upon the official communication only. See minute on No. 2693.⁽²⁾

E. G.

⁽²⁾ [cp. *supra*, pp. 102-4, No. 89, and *min.*]

This private note should not go to the Committee of Defence.

[E. G.]

I expect that the divergence of view between us and France as to the effect on the Treaty of 1855, of the separation of the Crowns of Sweden and Norway between Sweden and Norway, probably depends on our appreciation as to question of the ideas which in each country regulate the municipal law as to dissolution of partnership. These ideas are very likely to be different, and these questions everywhere are among the most complicated in municipal law: e.g., if I remember rightly, in England property held jointly or 'in common' passes in a different manner on the death of a tenant according as it is one or the other. Also was the King of S[Sweden] and N[orway] a tenant of a joint property or a tenant of two separate Crowns, and is he as such civilly and politically dead or not? These are a few of the questions which may suggest themselves.

F.

[ED. NOTE.—The Norwegian Government objected to the Russian draft treaty, which did not empower Norway to co-operate with Denmark and Sweden in case of need. In place of the Russian proposal of a guarantee of the neutrality and integrity of Norway, the Norwegian Government desired an acknowledgement of neutrality and a guarantee of integrity. Sir Edward Grey to Sir G. Herbert, No. 11 of January 30, 1907. F.O. 371/295, 3627/9/07/30.]

No. 91.

Memorandum on the Question of Danish Neutrality and the Free Navigation of the Straits giving access to the Baltic.

F.O. 371/242.

5865/3058/07/15.

Foreign Office, February 18, 1907.

In Art[icle] I of the Norwegian Draft Treaty the Norwegian Gov[ernment]t declare their intention to preserve permanent neutrality. They further reserve to themselves the right to make agreements with the Gov[ernment]s of Sweden and Denmark, or with one of them, for mutual assistance in enforcing respect for the neutrality of the respective countries.

In Art[icle] II the British Gov[ernment]t are called upon to recognise and respect the neutrality of Norway with all its consequences.

Art[icles] III and IV deal with the question of a guarantee to be given by Great Britain of the independence and integrity of Norway.

From desp[atches] and letters received from Copenhagen and elsewhere there appears to be a certain amount of confusion as to the consequences of the neutrality of the three Scandinavian kingdoms upon the question of the navigation of the Sound and Belts in time of war. It has been said that the neutrality of Denmark or of Denmark and Sweden would imply the closing of the Straits into the Baltic and the conversion of that sea into a *mare clausum*. This is not the case at all. The recognition of permanent neutrality which the Norwegian Gov[ernment]t desire would simply be the perpetuation of the temporary neutrality which it is the custom of non-belligerents to declare on the commencement of war.

In the Crimean war, the Franco-German war, the Russo-Turkish war and the Russo-Japanese war the Straits were open to the belligerent fleets under the usual restrictions for the stay or passage of belligerent vessels in or through neutral waters. In the Russo-Japanese war the belligerent rights of the Russian fleet were interpreted in an unusually wide sense. In a communication addressed by the Danish Minister for F[oreign] A[ffairs] to H[is] M[ajesty's] Minister on the 30th Dec[ember] 1904 a statement was made that it may generally be considered probable that in any future war Denmark will establish her system of neutrality upon essentially the same principles as were then applied, with the limitation that Danish waters are not made a base of naval operations and that the rules governing the neutrality of Denmark are not yet fixed for an indefinite period. This statement was regarded by the Admiralty as unsatisfactory from a British point of view.

Neither Denmark nor either of the other two Scandinavian States has asked the Powers for a guarantee of their neutrality. Norway has merely asked that her neutrality may be recognised. No Power is in a position to effectively guarantee the neutrality of Denmark except Germany or possibly Russia. The demand for such a guarantee has not been put forward and is not likely to be made. Were it made, it would obviously be to the advantage of Great Britain to support it, since on the violation of Danish territory other Powers, who were guarantors, would be brought into line to resist the infringement of Denmark's neutrality. It may therefore be stated that, in time of war, the naval situation in the Straits is likely to be in the future the same as in the past unless and until the neutrality of Denmark is violated by a belligerent in occupying Danish territory or in committing an act of war in Danish territorial waters.

A suggestion has been made that the question of the neutralisation of the Straits on the lines of the Suez Canal should be raised at the Hague Conference. Sir E. Grey has already pointed out that the conditions of the Suez Canal could not suit our naval policy; for if ships of war were

allowed to pass only in driblets, they would be destroyed in detail on their arrival in the open sea on the other side. Any agreement without the adhesion of Germany would be valueless, and, if the question were raised at the forthcoming Conference, Germany would probably set up the analogy of the Suez Canal in order to defeat our purpose.

During the past few years the hostile feeling entertained in Denmark towards Germany owing to the annexation of the provinces of Schleswig-Holstein has greatly decreased, and the treaty recently concluded between the two countries has practically removed the principal causes of discontent in Denmark. At the same time, as in Switzerland, a peaceful penetration of German ideas is slowly pervading Denmark and that country is being gradually drawn into the German orbit. It is possible that there may even now be a secret understanding between Germany and Denmark as to their relative attitude to each other in the event of war, but in any case it is probable that Denmark may be gradually educated to believe in the identity of German and Danish aims.⁽¹⁾ Consequently it may be expected that any measures taken in the future to enforce Danish neutrality in the event of war will be aimed at possible belligerents other than Germany.

It appears to be generally assumed, and would seem to admit of little doubt that, on the outbreak of war with England, German troops would immediately overrun and seize Denmark, while Denmark would concentrate all her forces, naval and military, in the vicinity of Copenhagen and there assume a *non possumus* attitude, which might almost be construed into one of benevolent neutrality towards Germany. German cruisers would immediately swarm into the straits and in a few hours would probably lay sufficient mines to render the passage very dangerous if not impossible. This however is a naval question into which it is not my province to enter. I would merely remark that in the war of 1870 the French fleet passed immediately, on the outbreak of war, into the Baltic, but owing to the shallowness of the water and the distance of the towns from the coast, it was unable to inflict any serious injury on Germany.

In conclusion it appears to be immaterial to our interests, in the event of war with Germany, whether the permanent neutrality of Denmark has been recognised by the Powers unless it was at the same time guaranteed by them. It is not likely that a proposal in the latter sense will ever be made.

The only possible combination which might be of advantage to British interests and insure the free passage of the Straits would be the recognition of the neutrality of Norway, Sweden and Denmark and the conclusion of a defensive alliance between these States. It would then remain to be seen whether they would be sufficiently strong to effectually resist any violation of Danish territory by the military and naval forces of Germany. There is no likelihood of any such combination being realised in the near future since it is quite certain that Sweden has no desire at present to be neutralised, and it is very doubtful whether Denmark has now any aspirations in that direction.

C[HARLES] H[ARDINGE].

February 18, 1907.

⁽¹⁾ [For Dano-German negotiations, 1903 and 1906-7, v. *The Kaiser's Letters to the Tsar*, (1920), pp. 102-3 and notes.]

[ED. NOTE.—On February 13, M. Paul Cambon communicated to Sir Edward Grey a memorandum signifying that the French Government was ready to accept the Russian counter-draft except for Article I which abrogated the Treaty of 1855. In this note a suggestion was put forward as coming from M. Pichon that the abrogation of the Treaty of 1855 should be accomplished by an exchange of notes. (F.O. 371/295, 4958/9/07/30.)]

No. 92.

Sir Edward Grey to M. Paul Cambon.

F.O. 371/295.

4958/9/07/30.

Your Excellency,

Foreign Office, February 23, 1907.

H[is] M[ajesty's] G[overnment] have given their further consideration to the question of the abrogation of the treaty of 1855 in connection with the proposals for the negotiation of a fresh treaty for the recognition of Norway's permanent neutrality and for the guarantee of her territorial integrity.

I have already had the honour to state that in the opinion of H[is] M[ajesty's] G[overnment] the treaty of 1855 automatically lapsed on the dissolution of the union between Sweden and Norway. That treaty was concluded with the "King of Sweden and of Norway," who thereunder entered into certain obligations and, in return,

received a promise of armed assistance from Her Britannic Majesty and H[is] M[ajesty] the then Emperor of the French. Any treaty engagements made by these two sovereigns would naturally be binding upon their respective successors in title, H[is] M[ajesty] King Edward and the French Republic. But the "King of Sweden and of Norway" ceased to exist when Norway became an independent kingdom under the sovereignty of a Prince of the royal House of Denmark, and he has no successor in title. It is this extinction, without successor, of the High Contracting Party whose engagements towards the two other Parties and whose support by the latter form the exclusive subject matter of the treaty of 1855 which appears to H[is] M[ajesty's] G[overnment] necessarily to involve the conclusion that its stipulations are no longer operative.

As however I understood that the French Government were inclined to take a different view of the matter, I expressed my willingness to deal with the abrogation of the treaty in an exchange of notes between the parties. A renewed and expert examination of the question has revealed a technical difficulty which would arise if H[is] M[ajesty's] G[overnment] were to defer to the opinion apparently held by the French government that the treaty of 1855 still remains in force, being binding as between England and France on the one hand, and each of the two separate kingdoms of Sweden and Norway on the other. I am advised that on this assumption, the only correct and proper method of abrogating the treaty would be by an instrument of equal authority and solemnity, that is to say by a fresh formal treaty.

In seeking a practical solution of this difficulty it has occurred to me that the circumstances of the case would be met by an exchange of notes recording the fact that the original treaty has ceased to have effect owing to the severance of the union between Sweden and Norway. I should be glad if Your Excellency would be so good as to place this suggestion before your government, together with the argument on which H[is] M[ajesty's] G[overnment] rely in holding that the old treaty has lapsed. I am requesting H[is] M[ajesty's] Minister at Stockholm to ascertain whether the Swedish government share the British view of the question.

[I have, &c.

E. GREY.]

No. 93.

Second Norwegian Draft Treaty.

Communicated by Dr. Nansen, March 13, 1907.

F.O. 371/295.

8292/9/07/30.

Projet de Traité.

Sa Majesté le Roi de Norvège; Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; le Président de la République Française; Sa Majesté le Roi du Royaume-Uni de la Grande Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes, et Sa Majesté l'Empereur de toutes les Russies,

animés au désir d'assurer à la Norvège, dans ses limites actuelles et avec sa zone neutre, son indépendance et son intégrité territoriale, ainsi que les bénéfices de la paix et de la neutralité,

ont résolu de conclure un Traité à cet effet, et ont nommé pour leurs Plénipotentiaires respectifs:⁽¹⁾

lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit, sous réserve, pour ce qui concerne la Norvège, de l'approbation du Storting:

ARTICLE I.

Le Gouvernement Norvégien déclare son intention de garder en toute circonstance une stricte neutralité envers tous les autres états et s'engage à ne céder à

⁽¹⁾ [Thus in original.]

aucune Puissance, ni à titre d'occupation, ni à titre d'une disposition quelconque, aucune partie du territoire Norvégien.

ARTICLE II.

(1.) Les Gouvernements Allemand, Britannique, Français et Russe reconnaissent et s'engagent à respecter la neutralité, l'intégrité et l'indépendance de la Norvège.

(2.) Si la neutralité, l'intégrité ou l'indépendance de la Norvège est menacée ou lésée par une Puissance quelconque, les Gouvernements Allemand, Britannique, Français, et Russe s'engagent, après une communication préalable à cet effet de la part du Gouvernement Norvégien, à prêter, par les moyens qui seraient jugés les plus appropriés, leur appui à ce Gouvernement en vue de sauvegarder la neutralité, l'intégrité ou l'indépendance de la Norvège.

ARTICLE III.

(1.) Le Gouvernement Norvégien aura la liberté de se mettre d'accord avec les Gouvernements Suédois et Danois dans le but de sauvegarder, par une assistance mutuelle, la neutralité, l'intégrité, et l'indépendance des pays respectifs.

(2.) Si la Norvège, par suite d'un tel accord, est impliquée dans une guerre pour la défense de la neutralité, de l'intégrité ou de l'indépendance de la Suède ou du Danemark, le présent Traité cessera immédiatement de sortir ses effets.

ARTICLE IV.

(1.) Le présent Traité est conclu pour une période de vingt ans, à partir du jour de l'échange des ratifications. Si le Traité n'est pas dénoncé, de part ou d'autre, au moins cinq années avant l'expiration de la dite période, il restera, de la même manière, en vigueur pour une nouvelle période de vingt ans, et ainsi de suite.

(2.) Dans le cas où le Traité serait dénoncé par une des Puissances ayant participé, avec la Norvège, à la conclusion du présent Traité, cette dénonciation n'aura d'effet qu'à l'égard de cette Puissance.

ARTICLE V.

Le présent Traité sera ratifié et les ratifications seront échangées à Kristiania le plus tôt possible.

En foi de quoi

Fait à Kristiania le

MINUTES.

1. The Norwegian draft has been revised so as to meet the wishes of the Russian government and other criticisms, but in certain important particulars it diverges from the Russian counterdraft.

2. In the first instance, Norway now agrees to have one treaty instead of four. As regards the form, generally, of such treaty, Norway desires to emphasize that she on her part undertakes certain obligations, and that the other Powers, on their part engage to do certain things in return. This is an intelligible and quite a reasonable view on the part of Norway, to take, and the manner in which expression has now been given to it, seems unobjectionable.

3. The preamble contains a reference to the present Norwegian frontiers and the neutral zone intervening at a certain point between Norwegian and Swedish territories. There seems nothing to object to in this.

4. On the other hand the reservation as to the necessary approval of the Storting is out of place. In France and Germany, treaties are also subject to the ratification of parliament, but this is not usually mentioned in the treaty, which does not become binding unless and until it is ratified, whether with the cooperation of parliament, as in those countries, or without, as in England. The Norwegian gov[ernmen]t is apparently ready to drop the reservation.

The first article of the Russian counterdraft, dealing with the abrogation of the treaty of 1855 disappears. This is in accordance with our view. We propose to deal with that question separately, by an exchange of notes, and are now awaiting an expression of opinion in the matter on the part of the Swedish government.

5. Article i of the new draft contains the declaration of neutrality made by Norway and the engagement on her part not to allow the cession or occupation of her territory. In substance, though not in form, it is identical with article 2 of the Russian draft.

6. *Article ii*, corresponding to article *iii* of the Russian draft, reverts in some measure to the provisions of the fourth article of the original Norwegian proposals. But instead of imposing definitely on the guaranteeing Powers the duty of furnishing, at their own cost, "sufficient" naval and military assistance, it reduces the obligation to the giving of such support to the Norwegian gov[ernmen]t as, after consultation with the latter, may be judged appropriate. In this extenuated form, England need not, I think, shrink from undertaking the obligation, although it seems to me possible that other parties may object to go even so far.

7. *Article 3* gives new shape to the reservation which Norway insists upon making as to her liberty to join a Scandinavian defence league in partnership with Sweden and Denmark. Having realized the difficulty of inducing the guaranteeing Powers to accept this reservation, Norway now proposes to cut the Gordian knot by stipulating that if and when Norway should, under the terms of such a defence league, become involved in a war for the maintenance of the integrity or neutrality of Sweden or Denmark, then the present treaty should automatically lapse. This seems an heroic solution, the significance of which we must assume Norway has fully weighed.

8. So far as England is concerned I can see no objection to the arrangement, especially as the prospect of the Scandinavian league being actually concluded seems at present rather remote.

9. In *article 4* Norway reverts to the proposal to make the treaty terminable after periods of 20 years. Notice being given 5 years in advance. As a matter of detail, it may be urged that 5 years ahead is too long a period of notice; one year would be more appropriate. But however reasonable in the abstract the arguments for periodicity advanced by Norway may be—and I think there is a good deal in them,—the difficulty to which attention has already been directed, remains, namely: how can the treaty continue binding on one or two of the contracting parties if the others withdraw? Of course it may be said that on notice of withdrawal being given by one party, the others can also withdraw by giving notice. But supposing the first Power to withdraw gives its notice within 24 hours of the last day (whether 5 years or 1 year before the period of 20 years) on which effective notice can be given? Then the others would lose their option of withdrawal until a further period of 20 years had elapsed. No doubt such sharp practice might be provided against by more detailed provisions concerning the notice to be given. But the simpler and better way—supposing the principle of withdrawal were conceded—would surely be to say: if one Power withdraws, the other parties shall be free to reconsider their position and to determine whether the treaty shall continue to be binding on themselves.

10. The Russian proposals as to the accession of other Powers (*article 4* of the Russian draft) disappear.

11. I doubt whether there would be any advantage in this country taking the initiative in criticizing the present revised draft. We have placed ourselves in a good position by having accepted the Russian lead in the last stage of the negotiation, and we cannot, I think, do better than follow the same course now. If so, we could either ask the French and Russian governments what they think of the Norwegian proposals, and await their answers, or say nothing at all, and wait to see what will happen.

12. In either case, I presume, the present papers should be communicated to the Committee of Imperial Defence?

E. A. C.

M[ar]ch 14.

Send the papers to the Defence Committee.

One year's notice of withdrawal ought to be sufficient, and in the event of any Power giving notice, the others sh[oul]d be free to reconsider their position: but we might await the Russian criticisms before offering our own.

E. B.

When we know the views of the C[ommittee of] I[mperial] D[efence] it will be time enough to take action, if action be necessary. There do not appear to be any very serious objections to the proposed text, but it will be interesting to hear the criticisms of the French and Russian Gov[ernmen]ts. I gather that our Naval Experts would prefer the omission of all mention of the neutrality of Norway, but if all the other Powers agree to it being included in this or an amended text we shall have to follow suit.

C. H.

We had better send this new draft to the C[ommittee of] I[mperial] D[efence] and meanwhile wait to hear what other Powers say about it.

We should prefer to omit neutrality unless that of Sweden and Denmark was also recognized.

Article 3 of the Norwegian Treaty gives us an opening for raising this point. We might suggest that if Norway can terminate neutrality by engaging in a war of defence with one of the other Scandinavian Powers, that neutrality should also cease to be binding upon the four Powers if any of them are engaged in a war with each other to which any of the three Scandinavian Powers becomes a party. Such a proposal may not be acceptable to all the other Powers, but it will be interesting to hear the arguments brought forward against it.

E. G.

[*ED. NOTE.*—Though this draft accepted the plan of a collective treaty, it retained in Article III the privilege of conditional neutrality and was therefore unacceptable to the Powers. There was now a lull in the negotiations during which new complications arose. On April 21 M. Isvolski (*G.P.* XXIII, II, pp. 433-4) informed the German Ambassador of the Russian intention to denounce the Convention of March 30, 1856, forbidding the fortification of the Aaland Islands, and asked for its moral support. The German Government replied that it would offer no objection, but pointed out that to raise the question at this moment might exert an unfavourable influence on the neutrality negotiations. Sir Edward Grey, who was anxious for a settlement which should satisfy Sweden as well as Norway, was suspected of obstruction by the Norwegian Minister of Foreign Affairs, who credited him with a belief in a Dano-German Agreement for the use of Danish harbours in the event of war with England, and with a corresponding desire to keep open the possibility of an occupation of Norwegian ports. (F.O. 371/295, 18199/9/07/30.)]

No. 94.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/295.
20728/9/07/30.
(No. 331.)
Sir,

St. Petersburg, D. June 19, 1907.
R. June 24, 1907.

I have the honour to transmit herewith the copies of a note and enclosures which I have received from the Russian Government in regard to the neutralisation of Norway.

I am informed that copies of the Draft Treaty and of the explanatory memorandum will also be transmitted to the Russian Embassy in London for communication to you.

I have, &c.
A. NICOLSON.

Enclosure 1 in No. 94.

M. Isvolski to Sir A. Nicolson.

Monsieur l'Ambassadeur,

June 1, 1907.

Me référant aux pourparlers qui ont eu lieu dans le courant de ces derniers mois entre les cinq Gouv[ernemen]ts de Grande Bretagne, de Russie, de l'Allemagne, de France et de Norvège au sujet de la neutralisation de la Norvège, j'ai l'honneur de remettre ci-joint à V[otre] E[xc]cellence, au nom du Gouv[ernemen]t Imp[éri]al, un nouveau projet de traité y relatif, accompagné d'un mémoire expliquant les modifications introduites par le Ministère Impérial dans le dernier projet norvégien.

En proposant aujourd'hui, par les notes identiques avec la présente, ce nouveau projet à l'examen de toutes les Puissances susindiquées, je Vous serais reconnaissant de bien vouloir m'informer en son temps de l'accueil qui lui sera fait par Votre Gouv[ernemen]t.

Veillez, &c.
ISWOLSKY.

Enclosure 2 in No. 94.

Second Russian Draft Treaty.

Projet de Traité.

S[a] M[ajesté] l'Empereur d'Allemagne, Roi de Prusse; le Président de la République Française; S[a] M[ajesté] le Roi du Royaume Uni de la Grande Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes; S[a] M[ajesté] le Roi de Norvège et S[a] M[ajesté] l'Empereur de Toutes les Russies.

animés du désir d'assurer à la Norvège, dans ses limites actuelles et avec sa zone neutre, son indépendance et son intégrité territoriale, ainsi que les bénéfices de la paix et de la neutralité,

ont résolu de conclure un Traité à cet effet et ont nommé pour Leurs Représentants respectifs :⁽¹⁾

lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit, sous réserve, pour ce qui concerne la Norvège, de l'approbation du Stort[h]ing.

ARTICLE 1.

le Gouv[ernemen]t Norvégien déclare son intention de garder en toute circonstance une stricte neutralité envers tous les autres Etats et s'engage à ne céder à aucune Puissance, ni à titre d'occupation, ni à titre d'une disposition quelconque, aucune partie du territoire Norvégien.

ARTICLE 2.

Les Gouv[ernemen]ts Allemand, Britannique, Français, et Russe reconnaissent et s'engagent à respecter la neutralité et l'intégrité de la Norvège.

Si la neutralité ou l'intégrité de la Norvège est menacée ou lésée par une Puissance quelconque, les Gouv[ernemen]ts Allemand, Britannique, Français, et Russe s'engagent, après une communication préalable à cet effet de la part du Gouv[ernemen]t Norvégien, à prêter, par les moyens qui seraient jugés les plus appropriés, leur appui à ce Gouv[ernemen]t en vue de sauvegarder la neutralité ou l'intégrité de la Norvège.

ARTICLE 3.

Le présent Traité est conclu pour une période de dix ans, à partir du jour de l'échange des ratifications. Si le Traité n'est pas dénoncé, de part ou d'autre, au moins deux années avant l'expiration de la dite période, il restera, de la même manière, en vigueur pour une nouvelle période de dix ans, et ainsi de suite.

Dans le cas où le Traité serait dénoncé par une des Puissances ayant participé, avec la Norvège, à la conclusion du présent Traité, cette dénonciation n'aura d'effet qu'à l'égard de cette Puissance.

ARTICLE 4.

Le présent Traité sera ratifié et les ratifications seront échangées à Kristiania le plus tôt possible.

En foi de quoi

Fait à Kristiania le

Enclosure 3 in No. 94.

Memorandum.

Les Gouv[ernemen]ts d'Allemagne, de France et de la Grande Bretagne n'ignorent pas qu'à la suite des remarques critiques formulées par le Cabinet de St. Pétersbourg par rapport au premier projet de traité relatif à la neutralisation de la Norvège—élaboré par le Cabinet de Christiania—ce dernier, après avoir remanié le projet en question, a saisi les 4 Grandes Puissances intéressées d'un nouveau projet de convention, remis aux Cabinets respectifs par les représentants de la Norvège à Berlin, à Paris, à Londres et à St. Pétersbourg dans le courant du mois de Mars 1907.

Ce nouveau projet, qui tient généralement compte des objections dont le Gouv[ernemen]t Imp[érial] s'était fait l'interprète, ne diffère, quant au fond, des propositions formulées en son temps dans le contre projet russe que dans deux points essentiels :

1. Le Gouv[ernemen]t Norvégien maintient expressément (art[icle] 4) le terme de 20 ans à donner au Traité en question (et n'hésite pas en conséquence à éliminer

⁽¹⁾ [Thus in original.]

le mot “permanent” dans la définition de la future neutralisation de la Norvège); et 2. il ne renonce pas non plus à faire introduire dans le traité l'idée de la formation éventuelle entre la Norvège, la Suède et le Danemark d'un système spécial de garantie territoriale pan scandinave.

L'art[icle] 3 du nouveau projet norvégien est, notamment, conçu dans les termes suivants :

“ Le Gouv[ernemen]t Norvégien aura la liberté de se mettre d'accord avec les Gouv[ernemen]ts Suédois et Danois dans le but de *savegarder, par une assistance mutuelle*, la neutralité, l'intégrité et l'indépendance des pays respectifs.—Si la Norvège, par suite d'un tel accord, est impliquée dans *une guerre pour la défense de la neutralité, de l'intégrité ou de l'indépendance de la Suède ou du Danemark*, le présent traité cessera immédiatement de sortir ses effets.”

Dans ces conditions, le Gouv[ernemen]t Imp[érial] croit devoir énoncer une fois de plus les raisons, qui, dans son opinion, s'opposent impérieusement à l'introduction d'une clause de ce genre dans le traité de neutralisation de la Norvège.

Le Cabinet de St. Pétersbourg,—qui est, cela va sans dire, très loin de nier le droit souverain de la Norvège, comme de tout autre Etat indépendant, de conclure avec n'importe quel autre Etat tel traité qui lui convient le plus au moment donné,—un traité de neutralité ou bien un traité d'alliance défensive—ne conçoit pas, comments [*sic*] ces deux buts—qui s'excluent mutuellement—pourraient être logiquement juxtaposés dans un seul et même acte, dit de “neutralité” de la Norvège.

D'autre part il paraît on ne peut plus évident que l'insertion d'une clause comme celle de l'art[icle] 3 du projet norvégien ne saurait, dans tous les cas, avoir lieu sans le concours de la Suède et du Danemark. Car il est clair qu'aucune des Puissances ne pourra jamais consentir à discuter avec la Norvège une formule de convention qui traite des intérêts vitaux et de la haute politique de deux Etats indépendants, comme la Suède et le Danemark, sans même que ceux-ci soient directement saisis de cette affaire et prennent une part active à l'arrangement en question. Il est clair aussi que, dans tous les cas, un traité conclu sans la participation de ces deux Etats n'aurait—comme “res inter alios acta”—aucune portée juridique ni pour la Suède ni pour le Danemark.

Vu ce qui précède, le Min[istre] Imp[érial] ne peut que maintenir son point de vue énoncé précédemment dans le mémoire explicatif annexé au contre projet russe, remis en son temps aux 4 Cabinets de Berlin, Paris, Londres et Christiania, et continue de considérer le dit art[icle] 3 du nouveau projet norvégien comme tout-à-fait incompatible avec le reste du traité.

Par contre, prenant en considération le très légitime désir de la Norvège de ne pas s'engager *pour toujours* dans une situation juridique nouvelle—qui peut lui paraître incertaine,—le Gouv[ernemen]t Imp[érial] n'hésite pas à se désister en faveur de la Norvège de ses observations au sujet du *terme* à donner au traité en question—qui pourrait, par conséquent, être fixée en conformité pleine et entière avec les vues du Gouv[ernemen]t Norvégien à cet égard.

Si, à la suite de la suppression de l'art[icle] 3, le Cabinet de Christiania jugeait plus conforme aux intérêts de son pays de réduire encore ce terme, indiqué à l'art[icle] 4, le Gouv[ernemen]t Imp[érial] ne s'y opposerait pas non plus; dans ce cas, peut-être que le terme de dix ans (et, respectivement, de deux ans pour la dénonciation du traité) pourrait être accepté par toutes les Puissances intéressées.

C'est en s'inspirant de toutes ces considérations que le Min[istre] Imp[érial] a l'honneur de proposer à l'examen des Ministères des A[ffaires] E[trangères] d'Allemagne, de France, de Grande Bretagne et de Norvège le projet de traité ci-joint—qui représente le texte intégral du second projet norvégien, modifié selon les observations qui précèdent,—en priant ces Min[istère]s de vouloir bien informer

le Gouv[ernemen]t Imp[érial] si ce texte ne paraît pas aux Puissances intéressées pouvoir servir de projet définitif qui serait signé à Christiania par les Plénipotentiaires de 5 Hautes Parties Contractantes.

St. Pétersbourg, 1/14 Juin, 1907.

Observation.—Le mot “indépendance” a été biffé dans l’art[icle] 2 du projet de traité conformément à la demande exprimée en son temps par la Légation de Norvège, qui le trouvait inutile dans le texte de cet article.

No. 95.

Memorandum communicated by the Russian Ambassador, June 25, 1907.

F.O. 371/338.

21122/21122/07/42.

Très Confidentiel.

St. Pétersbourg le 7/20 Juin, 1907.

Au moment de remettre aux Gouvernements des Puissances intéressées un nouveau mémoire sur la neutralisation de la Norvège, accompagné d’un projet de traité y relatif,—projet qui semble tenir également compte tant des aspirations légitimes de la Norvège que des intérêts des Grandes Puissances,—le Min[istre] Imp[érial] des Aff[aire]s Étrangères croit devoir signaler, très confidentiellement, à la bienveillante attention des Cabinets de Paris et de Londres, un point essentiel de la question scandinave telle qu’elle se déroule à l’heure actuelle.

Les Gouvernements de France et de Grande Bretagne n’ignorent pas jusqu’à quel point la question de la neutralisation de la Norvège est intimement liée à la question du traité du 21 Nov[embre] 1855 conclu entre la France et l’Angleterre d’une part et les Royaumes-Unis de Suede et de Norvège de l’autre.⁽¹⁾ L’union entre ces deux derniers États n’existant actuellement plus et le principe de l’indépendance et de l’intégrité territoriale de la Norvège—qui se trouvait garanti par le traité en question—devant sous peu être placé sous la garantie collective des quatre Grandes Puissances, il va de soi que le traité sus-nommé devra être abrogé simultanément avec la signature de la Convention de neutralisation. Aussi le Cabinet de Christiania a-t-il donné à la Russie, dès le commencement de l’affaire, l’assurance positive qu’un échange de déclarations spéciales y relatives aurait lieu en son temps entre toutes les Puissances signataires du traité de 1855. Or il est clair que tout en prenant acte de cette assurance le Gouv[ernemen]t Imp[érial] ne saurait s’en déclarer complètement satisfait : il est clair notamment que le Gouv[ernemen]t Russe ne peut, à proprement dire, attacher aucune valeur réelle à un acte d’abrogation formelle du traité de 1855, abrogé de longue date—ce qui est bien autrement important—par les faits mêmes de l’histoire et par la situation politique internationale, si heureusement changée depuis 1855.

Il existe par contre dans cet ordre d’idées un point qui ne manque pas d’intérêt pratique pour la Russie, et que le Gouv[ernemen]t Russe ne saurait, par conséquent, passer sous silence.

Le fait est que le traité d’alliance du 21 Nov[embre] 1855 a eu pour résultat immédiat, lors de la conclusion de la paix à Paris en 1856, le désir (tout naturel en raison du traité sus-nommé) de la France et de l’Angleterre de faire obtenir à leur nouvel allié, aux Royaumes-Unis de Suède et de Norvège, un avantage quelconque de la part de la Russie. Cet avantage a été obtenu en effet et fait l’objet d’un acte spécial passé entre la France et l’Angleterre d’une part et la Russie de l’autre. Par cette convention, signée à Paris le 30 Mars 1856, le Gouv[ernemen]t Imp[érial] s’est obligé vis-à-vis de ces deux Puissances de ne pas fortifier les îles d’Aland et de n’y maintenir ni créer “aucun établissement militaire ou naval.”⁽²⁾

(1) [Printed in *B.F.S.P.*, Vol. 45, pp. 33-4, *cp.* Hertslet: *Map of Europe by Treaty* (1875), Vol. II, p. 1241.]

(2) [Printed in *B.F.S.P.*, Vol. 46, pp. 23-4, *cp.* Hertslet: *op. cit.*, Vol. II, pp. 1272-3.]

En examinant la portée de cet acte au moment actuel, il importe de constater avant tout *qu'au point de vue russe*, un[e] pareille obligation, incompatible avec le principe de la souveraineté de la Russie sur ces îles, acquises en 1809 par le traité de Fredrickshamm, constitue, cela va sans dire, une lésion pour ainsi dire permanente de ses droits les plus sacrés et de ses intérêts les plus légitimes dans ces parages. Quant à sa portée réelle *pour les contractants de 1856*—la France et l'Angleterre—il paraît tout aussi évident que cette clause est depuis longtemps dénuée de toute signification pratique; bien plus, le Cabinet de S[ain]t Pétersbourg se permet d'émettre la supposition qu'un examen approfondi des combinaisons internationales actuelles amènerait peut-être les deux Cabinets de Paris et de Londres eux-mêmes à reconnaître que, la dernière guerre russo-japonaise ayant eu, entre autres, pour résultat de détruire tout équilibre maritime dans la Baltique au désavantage de la Russie, la convention sus-mentionnée de 1856 semble être une entrave assez sérieuse à sa liberté d'action dans ces régions et, par tant, au rétablissement de cet équilibre. Or, il est, peut-être, légitime de se demander jusqu'à quel point cet état de choses dans la Baltique—si désavantageux à la Russie et si avantageux à d'autres Puissances—peut réellement correspondre aux vues de la haute politique de la France et de l'Angleterre?

Dans ces conditions, le Ministère Impérial aime à croire que les Gouv[ernemen]ts de France et de Grande Bretagne trouveront tout naturel de la part du Gouv[ernemen]t Russe son désir de liquider aujourd'hui—au moment d'une revision du problème scandinave—cette question spéciale des îles d'Aland et notamment d'abroger la convention précitée du 30 Mars 1856,—par une déclaration spéciale à signer entre les contractants de cet acte, c'est-à-dire entre la France, l'Angleterre, et la Russie.

S[ain]t-Pétersbourg, le 7/20 Juin, 1907.

[ED. NOTE.—The French and German Governments were willing to sign this draft, and the Norwegian Government urged the British Government to accept it. Sir Edward Grey however, informed the Norwegian Minister on July 1 that, in his opinion, the Russian proposal to fortify the Aaland Islands was unfavourable to Sweden, and that the other Powers must be consulted. (F.O. 371/295. 21939/9/07/30.)]

No. 96.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/295.

24215/9/07/30.

(No. 381.)

Sir,

St. Petersburg, D. July 18, 1907.

R. July 22, 1907.

M. Isvolsky mentioned to me yesterday that Count Benckendorff had informed him that His Majesty's Government proposed to limit the Treaty with Norway to a guarantee of her integrity but to eliminate any mention of her neutrality. He would study this proposal, though he confessed he did not at the moment comprehend how the two questions could well be dis severed, and it might be open to Norway to engage in hostilities with impunity, knowing that her integrity would be safeguarded.

As the matter is being discussed between you and Count Benckendorff, I confined myself to remarking that I had only received a short telegram stating the fact that His Majesty's Government had put forward the proposal, and that I was not in a position to give any explanations and indeed had received no instructions to do so.

I told His Excellency that I understood that the French Government had assented to the Treaty in its modified form, and he inquired if I had any information as to the views held at Berlin. I replied in the negative.

On my return from the Ministry for Foreign Affairs I received your telegram No. 108⁽¹⁾ informing me that the Norwegian Government had assented also, and that they trusted that the three other Powers would give their adherence. I wrote a private letter to M. Isvolsky this morning, conveying to him this intelligence, and saying that he would doubtless learn it from Count Benckendorff.

I have, &c.

A. NICOLSON.

⁽¹⁾ [Not reproduced, as its tenour is sufficiently indicated.]

[*ED. NOTE.*—On July 26 Sir Edward Grey proposed to the Norwegian Government the omission of any reference to neutrality, and on July 31 he informed the Russian Ambassador that Great Britain would be willing to sign a treaty either guaranteeing or respecting the integrity of Norway. F.O. 371/295, 25840/9/07/30. The proposal to omit neutrality was adopted by M. Isvolski, who also informed Sir A. Nicolson on July 13 that if the Aaland Islands question caused any difficulty, he would postpone it for a time.]

No. 97.

Sir R. Rodd to Sir Edward Grey.

F.O. 371/295.
24168/9/07/30.
Tel. (No. 8.)

Stockholm, July 29, 1907.
D. 6.55 P.M.
R. 10.50 P.M.

Norwegian Treaty negotiations.

Immediately on my arrival Minister for Foreign Affairs asked me to see him. His Excellency had information as to Russian proposal respecting Aaland Islands, but would not communicate source. He said that were the four Powers to guarantee integrity of Norway, and were Russia as a condition to obtain abrogation of Treaties of 1855 and 1856, Sweden would be obliged to consider how she could best safeguard her position by a change of policy, which I gathered meant drawing nearer to Germany. I said I understood the abrogation was not made a condition by Russia.

His Excellency said that an agreement by the four Powers mutually to respect the integrity of Norway would be unobjectionable here, but a guarantee of that integrity against any other Power could only appear directed against Sweden, and would make it impossible for her to some day follow precedent of Norway.

See Article 2 of Russian draft.⁽¹⁾

First paragraph standing alone would meet his views if second were omitted.

⁽¹⁾ [*v. supra*, p. 113, No. 94, *encl.* 2.]

No. 98.

Sir Edward Grey to Sir R. Rodd.

F.O. 371/295.
30451/9/07/30.
(No. 64.) Confidential.
Sir,

Foreign Office, September 19, 1907.

I have received from the Russian Ch[argé] d'A[ffaires] the accompanying fresh draft treaty préparé by his Gov[ernmen]t for the purpose of carrying into formal effect the proposed international guarantee of the integrity of the Kingdom of Norway.

It will be seen that in this new draft, in accordance with the wish of H[is] M[ajesty's] Gov[ernmen]t, all mention of the guarantee or recognition of

Norwegian neutrality has been omitted and that the words " sous réserve, pour ce qui concerne la Norvège, de l'approbation du Storthing," have been left out at the end of the preamble.

I have informed M. Poklewski that H[is] M[ajesty's] Gov[ernmen]t are prepared to sign a treaty in these terms if they are acceptable to the other Powers, subject to their having first concluded an arrangement with the Gov[ernmen]ts of France and Sweden for the abrogation of the treaty of 1855.

I request that you will inform the Swedish Government of the above, and ask them at the same time whether they are now prepared to proceed to an exchange of notes for the purpose of abrogating the treaty of 1855.

A similar despatch has been addressed to H[is] M[ajesty's] Amb[assado]r at Paris.⁽¹⁾

[I am, &c.]
E. G[REY].

Enclosure in No. 98.

Third Russian Draft Treaty.

Communicated, September 10, 1907.

Projet de Traité.

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; le Président de la République Française; Sa Majesté le Roi du Royaume-Uni de la Grande Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes; Sa Majesté le Roi de Norvège et Sa Majesté l'Empereur de toutes les Russies,

animés du désir d'assurer à la Norvège, dans ses limites actuelles et avec sa zone neutre, son indépendance et son intégrité territoriale, ainsi que les bénéfices de la paix,

ont résolu de conclure un Traité à cet effet et ont nommé pour Leurs Plénipotentiaires respectifs: . . .⁽²⁾

lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

ARTICLE 1.

Le Gouvernement Norvégien s'engage à ne céder à aucune Puissance, ni à titre d'occupation, ni à titre d'une disposition quelconque, aucune partie du territoire Norvégien.

ARTICLE 2.

Les Gouvernements Allemand, Français, Britannique et Russe reconnaissent et s'engagent à respecter l'intégrité de la Norvège.

Si l'intégrité de la Norvège est menacée ou lésée par une Puissance quelconque, les Gouvernements Allemand, Français, Britannique et Russe s'engagent après une communication préalable à cet effet de la part du Gouvernement Norvégien, à prêter, par les moyens qui seraient jugés les plus appropriés, leur appui à ce Gouvernement en vue de sauvegarder l'intégrité de la Norvège.

ARTICLE 3.

Le présent Traité est conclu pour une période de dix ans, à partir du jour de l'échange des ratifications. Si le Traité n'est pas dénoncé, de part ou d'autre, au moins deux années avant l'expiration de la dite période, il restera, de la même manière, en vigueur pour une nouvelle période de dix ans, et ainsi de suite.

⁽¹⁾ [The despatch was numbered No. 525 of September 19.]

⁽²⁾ [Thus in original.]

Dans le cas où le Traité serait dénoncé par une des Puissances ayant participé, avec la Norvège, à la conclusion du présent Traité, cette dénonciation n'aura d'effet qu'à l'égard de cette Puissance.

ARTICLE 4.

Le présent Traité sera ratifié et les ratifications seront échangées à Kristiania le plus tôt possible.

En foi de quoi

Fait à Kristiania le

MINUTES.

Please see your despatch to St. Petersburg of July 31 [paper 25340].⁽³⁾ It appears you are pledged to signature of treaty in form now submitted, subject to previous abrogation of the Treaty of 1855.

It seems to me a pity the Swedish view could not be met, by omission of 2nd part of Art[icle] 2, but the Norwegians w[oul]d not have it.

Proceed as proposed.

E. A. C.
11/9.

Yes: the Norwegians were told at the time when they chose a King that we should look favourably on an integrity treaty, and I renewed this later on, and we cannot now take the lead in whittling it down.

E. G.

⁽³⁾ [Not reproduced. *cp. supra*, p. 117, *Ed. note.*]

No. 99.

Sir F. Bertie to Sir Edward Grey.

F.O. 371/295.

31553/9/07/30.

Tel. (No. 53.)

Paris, September 21, 1907.

D. 1.50 P.M.

R. 3.0 P.M.

Norwegian integrity Treaty.

Mr. Lister saw Political Director of Ministry for Foreign Affairs this morning and left with him a memorandum in the sense of your Despatch No. 525, Confidential of Sept[ember] 19.⁽¹⁾

Political Director expressed great satisfaction at the fact that His Majesty's Government accepted the terms of the new Russian draft treaty as the French Government are most anxious to see the matter finished. They are prepared to proceed to an exchange of notes with regard to the Treaty of 1855 and will accept formula desired by His Majesty's Government either abrogating the Treaty or declaring that it had ceased to exist. Political Director said that the attitude recently adopted by Sweden would, he feared, complicate the matter and that a formula would have to be framed which would not wound her susceptibilities.

⁽¹⁾ [*v.* immediately preceding document and *note* ⁽¹⁾.]

[*ED. NOTE.*—The following private letters throw some light on the last stage preceding the signature of the Treaty.]

No. 100.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

Foreign Office, October 2, 1907.

. . . .⁽²⁾ The Norwegian Treaty is a very tiresome affair as Sweden is making such a fuss over it. I cannot imagine why the Russian Gov[ernmen]t never realised

⁽¹⁾ [Carnock MSS., Vol. II of 1907.]

⁽²⁾ [The letter begins with brief references to other matters, such as press comments on the recent Anglo-Russian Convention.]

the danger of throwing Sweden into the arms of Germany and did not propose a d[ra]ft Treaty by which the integrity of Norway would be respected but not guaranteed by the four Powers. However it is now too late for us to do more than we have done in obtaining the elimination of neutrality from the Treaty, and when once we have secured the abrogation of the Treaty of 1855 we shall have to sign this Treaty to which we are greatly opposed. . . .⁽³⁾

Yours ever,

CHARLES HARDINGE.

(³) [The last paragraph is about Russian municipal stock.]

No. 101.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

Foreign Office, October 14, 1907.

Many thanks for your letter.

Gubastow was right in what he told you as to the origin of the proposal that Sweden should join in the Treaty guaranteeing the integrity of Norway, as the suggestion was made by the French Ch[argé] d'Aff[aires] in Stockholm and accepted with enthusiasm by the Swedish Gov[ernmen]t. Cambon made the proposal to us and we are ready to agree to it if the Norwegians will accept it. I think they ought to be made to accept it as a solution of the whole question but we, for dynastic reasons, are unable to apply the pressure required. We come in for a good deal of abuse both from the Swedes and Norwegians, but I think we are the only Power who has acted quite straight throughout. . . .⁽²⁾

Yours ever,

CHARLES HARDINGE.

(¹) [Carnock MSS., Vol. II of 1907.]

(²) [The rest of the letter is about affairs in Russia.]

No. 102.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

Foreign Office, October 30, 1907.

. . . .⁽²⁾ We have been rather puzzled over the Russian views as to the abrogation of the Treaty of 1855. We were pledged as you know to the Russians to abrogate it at least simultaneously with the signature of the new Treaty and I did not believe Nansen when he told me that the Russians agreed to the new Treaty being signed first. However when we received the confirmation from you of Nansen's statement we felt that it was of no use to be "plus royaliste que le Roi" and we sent at once instr[uctio]ns to Christiania to act accordingly. Polewski came to see me yesterday and asked me what we were now going to do as regards the abrogation of the old Treaty as far as Sweden was concerned, and I told him "nothing since the Swedish Gov[ernmen]t refuse to do so." There the matter rests and the old Treaty remains in a most curious situation. . . .⁽³⁾

Yours ever,

CHARLES HARDINGE.

(¹) [Carnock MSS., Vol. II of 1907.]

(²) [The beginning of the letter is about personal matters.]

(³) [The last paragraphs mention the proposed visit of the Emperor William II to Windsor, but add nothing to the material published on this subject in *Gooch & Temperley*, Vol. VI, pp. 78-107, Chap. XLII, Section II, *passim*.]

[*ED. NOTE.*—Despite the opposition of the Swedish Government, which unsuccessfully endeavoured to secure the omission of the second paragraph of Article II and to become a signatory of the new pact, the British Government felt unable to incur the onus of further delay, and the treaty was signed at Christiania on November 2, 1907. The text (F.O. Series of Original Treaties, General No. 9) is identical with the third Russian draft of September 10.⁽¹⁾ A Declaration was signed on the same day by Great Britain, France and Norway, abrogating the Treaty of November 21, 1855.⁽²⁾ The Treaty was accepted by the Storting in secret session on January 18, 1908, and ratified by the King of Norway on the 26th. Ratifications were deposited at Christiania on February 6, 1908, and the text of it and of the Declaration were published on February 12, 1908. A Declaration to the same effect was signed on April 23, 1908, between Britain, France and Sweden.]

⁽¹⁾ [*v. supra*, pp. 118-9, No. 98, *encl.*]

⁽²⁾ [*v. immediately succeeding document.*]

No. 103.

Declarations between the United Kingdom, France, and Norway and between the United Kingdom, France, and Sweden concerning the Abrogation of the Treaty of November 21, 1855, relative to the Integrity of Norway and Sweden.

(Signed at Christiania, November 2, 1907,⁽¹⁾ respectively.)
Stockholm, April 23, 1908,⁽¹⁾

NORWAY.

Déclaration.

Les Soussignés, dûment autorisés par leurs Gouvernements respectifs, déclarent qu'en conséquence de la dissolution de l'Union entre la Norvège et la Suède le Traité conclu par la Grande Bretagne et la France avec la Norvège et la Suède concernant l'intégrité des Royaumes Unis de Norvège et Suède, et signé à Stockholm le 21 Novembre 1855, a cessé de sortir ses effets en ce qui concerne leurs trois Gouvernements depuis la date de la susdite dissolution.

Fait en triple exemplaire.

Kristiania, le deuxième jour du mois de Novembre mil-neuf-cent-sept.

W. G. MAX MÜLLER.
DELAVAUD.
J. LÖVLAND.

SWEDEN.

Déclaration.

Les Soussignés, dûment autorisés par leurs Gouvernements respectifs, déclarent que le Traité conclu par la Suède et la Norvège avec la Grande Bretagne et la France concernant l'intégrité de la Suède et de la Norvège et signé à Stockholm le 21 Novembre 1855, a cessé de sortir ses effets en ce qui concerne leurs trois Gouvernements.

Fait en trois exemplaires.

Stockholm, le 23 Avril, 1908.

RENNELL RODD.
ROGER CLAUSSE.
ERIC TROLLE.

⁽¹⁾ [The texts of the declarations are taken from the F.O. Series of Original Treaties (Norway No. 3, and Sweden No. 2). Translations are in both cases omitted.]

CHAPTER LXIV.

THE "STATUS QUO" IN THE BALTIC AND THE NORTH SEA.

[*ED. NOTE.* The following is an extract from the Annual Report on Norway (1907) by Sir A. Herbert, enclosed in his despatch No. 25, D. 23 March, R. 31 March, 1908 (F.O. 371/491, 10923/10923/08/30), § 22, p. 14:—

22. One of the most remarkable facts in connection with this Treaty is the apparent fixed idea on the part of M. Lövlund that a war between Great Britain and Germany is not only certain, but is imminent in the very near future. As reported to the Foreign Office, on the 12th January, 1908, in reply to a question of the Swedish Minister why the Norwegian Government were so anxious that the Treaty should be signed before the meeting of the Storting, M. Lövlund said that, should war break out between Germany and Great Britain, he wished to have his country secure, as, in case of such a war, the British Government would in all probability wish to occupy the port of Flekkefjord or of Mandal; and, secondly, that he wished to avoid an interpellation in the Storting on the subject of the Treaty. I prefer, however, to think that the tenure of office of the present Ministry not being very secure, M. Lövlund, being Norway's first Foreign Minister, was very anxious, as a matter of *amour-propre*, that the negotiations respecting the Treaty should be brought to a satisfactory conclusion whilst he was still in office. It is undoubtedly a fact that the conclusion of the Treaty has given the greatest possible satisfaction in Norway, and has to some extent strengthened the position of the Ministry.

(*Note.*—20th March, 1908. Within the past ten days the Lövlund Ministry, finding themselves in a minority in the Storting, have given in their resignation.)]

No. 104.

Sir F. Lascelles to Sir Edward Grey.

F.O. 371/259.

7836/7836/07/18.

(No. 88.)

Sir,

Berlin, D. March 7, 1907.

R. March 11, 1907.

I have the honour to inclose a very interesting and able Despatch from Captain Dumas pointing out the immense importance to Great Britain of securing the right of Belligerents, in the unfortunate, and to my mind most improbable, event of war between Great Britain and Germany, to pass through the Great Belt and the Sound. Captain Dumas points out that it would be impossible to inflict any serious damage on the German Ports on the North Sea, with the exception of Wilhelmshaven, the destruction of which he considers should be attempted even at a considerable loss to ourselves, and that our principal objective should be the destruction of the Kiel Canal from its Baltic rather than from its North Sea mouth. But in order to achieve this, it would be absolutely necessary to secure the passage by the Sound as it would be perfectly easy for Germany, owing to the proximity of Kiel, to close the Great Belt by means of mines and torpedo vessels. Captain Dumas concludes by expressing the opinion that this is a burning question which requires a full and clear understanding being arrived at with Denmark and Sweden as soon as possible.

Captain Dumas had not seen, before writing his Despatch, the correspondence which had taken place on the subject, and which you have been good enough to send me, 1st Sir A. Johnstone's Despatch No. 8 Secret of the 22nd of January,⁽¹⁾ in which he reported that Count Raben had expressed the opinion in a conversation with the Russian Minister that Denmark would be best pleased if the passage of the Little Belt and the Sound could be forbidden forever to all ships of war, except to those of Denmark and Sweden, and the Great Belt could be declared open sea and free to ships of war to fight or manœuvre in. 2nd Sir F. Bertie's Despatch No. 70 Confidential of the 7th of February⁽²⁾ reporting an interesting conversation

⁽¹⁾ [Not reproduced, as the contents of the despatch are sufficiently indicated.]

⁽²⁾ [Not reproduced. The conversation concerned the question of the neutralization of the Straits, and the possibility of its being discussed at the Hague Conference. (F.O. 371/242. 4333/3058/07/15.)]

between Mr. Lister and Mr. Crozier, and 3rd Sir Charles Hardinge's Memorandum of the 18th of February.⁽³⁾ He argued the case on the hypothesis of hostilities breaking out between England and Germany, and, granting this hypothesis, I entirely agree with the deductions he has drawn, but he agrees with me in thinking that there is not only no immediate danger of such a terrible calamity as a war between England and Germany but that even the possibility of such a contingency is very remote. It would no doubt be satisfactory to secure the free passage of the Sound as well as of the Belts to His Majesty's ships of war under all circumstances, but I see by the letter which you caused to be addressed to the Admiralty on the 1st of February that you considered that it was not desirable for Great Britain at present to raise the question of the freedom of navigation of those waterways, and, as I am convinced that there is no danger of the German Empire declaring war on England or of England declaring war on the German Empire, I would suggest that the question of the navigation of the Sound and the Belts by vessels of war of any Power, should be taken for granted by His Majesty's Government.

I am sending a copy of this despatch to His Majesty's Minister at Copenhagen.

I have, &c.

FRANK C. LASCELLES.

Enclosure in No. 104.

Captain Dumas to Sir F. Lascelles.

Your Excellency,

British Embassy, Berlin, March 6, 1907.

In continuation of my report 3/07⁽⁴⁾ I have the honour to submit the following remarks with regard to the true objective in the unfortunate case of war between ourselves and Germany.

I also wish to point out of what immense importance it is to us that a full & clear understanding should be arrived at with Denmark and Sweden as to their intentions regarding the rights of belligerents to pass through the Great Belt and the Sound in time of war.

Now, as I noted in 3/07,⁽⁴⁾ our only means of bringing Germany to book are the destruction of her Commerce, her Fleet, some of the coast towns & other great national assets such as the Imperial dockyards and the Kiel Canal.

As regards the two first the Commerce destruction is simple and sure while a consideration of our respective sea forces shows that we are so overwhelmingly the stronger that, should we succeed in luring her battle fleet out, we could certainly destroy it and yet leave one half of our forces intact. If they will not come out then we can equally easily ensure its safe blockade within the mouth of the Elbe or the Baltic, but, as this would amount to a dead lock, it is patent that in any case we must go on to deal with the coast towns &c.

Now to get at the greatest Sea port—Hamburg—it is first necessary to force the mouth of the Elbe but this, about Cuxhaven, is so powerfully protected with Forts, mines and torpedoes that, re-inforced by a portion of the fleet, as it probably would be, it is hardly practical until, at least, the said portion of the fleet is destroyed, which cannot occur until the Kiel canal is closed at one end or the other.

Moreover, as the mouth of the canal is at Brünsbittel some 15 miles further up the river than Cuxhaven and is protected by a triple boom, it is most unlikely that we should be able to get at it to do any great damage at this end so that our efforts towards its closure would better be directed towards the other end where there is deep water and a clear passage right up to the entrance.

Hamburg itself is some 58 miles further up the river and, as that is shallow and tortuous, it does not come within practical Naval warfare to compass its destruction.

⁽³⁾ [v. *supra*, pp. 107–8, No. 91.]

⁽⁴⁾ [v. *Gooch & Temperley*, Vol. VI, pp. 769–78, *App. II*, and for minutes *ib.* pp. 13–4, *Ed. note*. For other reports by Captain Dumas v. *sub nom.*, *Index of Persons*, p. 803.]

Bremen, which lies 34 miles up the Weser, comes from similar considerations under the same adverse conditions and therefore, if we wish to inflict that smashing blow on Germany which alone could bring her to her knees, we are compelled to fall back on Bremerhaven or Wilhelmshaven in the North Sea or Kiel in the Baltic.

Now of these Bremerhaven, a town of some 65,000 inhabitants, has a considerable ship building industry and magnificent harbour works comprising the docks, valuable stores and home station in general of the Nord-Deutsche-Lloyd and so would provide, in its destruction, a useful object lesson for Germany.

Against that it lies 30 miles from the open sea and is approached by a dangerous passage. It is protected by four very strongly armed sea forts and is further defended with a probably well designed and laid out mine-field and, take it all round, except by destroyer attack on the tidal lock gates, I do not think that its destruction would repay the enormous loss that it would undoubtedly cost us.

Wilhelmshaven is a town of some 20,000 inhabitants and contains a very important national asset in the shape of the second and smaller Imperial dockyard and consequent enormously valuable dock and harbour works and stores. It is approached by a narrow and shallow channel (not capable of navigation at all times) and is further most strongly defended with numerous batteries and, of course, a minefield.

It is however of such vast value to the nation that, once we have instituted a strict blockade of the mouth of the Elbe, its destruction, even at considerable loss to ourselves, would tell enormously in Germany and should therefore undoubtedly be attempted.

Lastly there is Kiel, a town of some 90,000 inhabitants, and still more strongly defended with forts, mines and torpedoes. It contains however the principal Imperial dockyard with its costly and valuable docks, basins, building-slips and stores as well as the almost equally valuable Krupps Germania Yard, also the factor whose destruction would really come home to the Germans, the Kiel Canal—the Baltic mouth of which lies here and which is a national possession that cost many millions and is just about to be widened and rebuilt at a cost variously estimated at from five to ten million pounds more.

Moreover by this passage alone can German ships hope to move in war time from the North Sea to the Baltic and altogether, at such a time, its value to Germany would be inestimable and its loss irreparable.

This then, I would submit, is the true object to aim at and therefore, if I am right, the necessity for rapid, numerous and simple modes of ingress for our ships of war are all important and to be striven for by every means in our power.

And I would remark the same chain of reasoning applies with almost greater importance to France and Russia so long as these two States are in alliance.

Should we fight with Russia also the same necessity arises, and broadly speaking I would submit that our every aim and effort should be directed to keeping the Great Belt and Sound open for War ship traffic at all times.

These being our paramount interests it becomes necessary to see how far we are likely to obtain them.

The Countries that are interested in the matter are, it seems to me, Russia, Sweden, Denmark, Germany and France and, from a different point of view but none the less important,—England. I make this reservation because, while it may be important to all the rest to provide for the closing of these entrances, to England alone is it of importance that they should always remain open.

The passages for traffic into the Baltic are five in number and are the Sound, the Great Belt, the Little Belt, the Kiel Canal and the Elbe-Trave Canal and of these :—

The Sound is half Danish and half Swedish.

The Great Belt is wholly Danish.

The Little Belt is half Danish half German.

The two Canals are wholly German.

The maximum depths of water which they can accommodate is [sic] :—

The Elbe-Trave Canal	...	...	...	8 feet.
The Kiel Canal	...	...	...	31 „
The Little Belt	...	...	...	24 „
The Great Belt	...	...	...	60 „
The Sound	...	...	...	24 „

Of these the Kiel Canal and the Elbe-Trave Canal lie wholly in German territory and though, on that account, of enormous value to her could not, of course, be used by us or any other Nation at war with either Germany or Russia. Their only interest, then, lies in the fact of their availability for German war ship and torpedo boat traffic.

The Little Belt is tortuous and exceedingly difficult to navigate. Moreover when it gets into German territory it is so easy to absolutely block that here again we are not interested and our principal considerations have therefore to do with the Great Belt and the Sound.

Now roughly speaking the following may be said to be the depths of water required by modern men of war :—

	British.	French.	Russian.	German.	Swedish.	Danish.
Battleships	28	27	26	24	17	16
Armd. Cruisers	26	25	26	24	16	...
Protd. Cruisers	25	25	21	...	...	...
Unprotd. Cruisers	21	21	21	17	17	12
Destroyers &c.	10	10	11	10	7	7

from which it follows that, in view of the depths of water, our Battleships and large cruisers can only use the Great Belt and therefore this passage must never be closed.

But, as I will show later, it is easily possible for Germany to close it unless we can pass in small vessels by another and safer route to prevent them doing so. The only other route available is the Sound and therefore it is our paramount interest that both these passages shall remain open.

Germany, on the contrary, has made allowance in her construction for these shallow depths and none of her battleships, even the latest now completing, or her armoured cruisers draw more than 24·5 feet, when *fully* laden. Therefore all can use the Sound but in view of the fact that she already possesses her own and undisturbed modes of exit and entry it by no means follows that she would desire to use this passage—the Sound.

In fact, in case of war with France or England, her greatest interest would be to see the Sound certainly and the Great Belt if possible closed for entry.

Sweden, thinking more perhaps of Russia and her Scandinavian neighbours, has taken still more urgent notice of this question of depth and her deepest draught armoured vessels only require 18 feet. At the same time this question of free entry or the reverse must be, it seems to me, a very anxious one for her.

Russia does not seem to have considered the question of draught at all in her scheme of construction of ships and therefore what is applicable to English ships is applicable to hers also. But as regards war with England she would undoubtedly like both passages to be closed and in case of war with Germany both, and certainly the Sound, open.

Lastly there is Denmark whose ships are necessarily designed for using the Sound which of course she can do.

Summing up then as far as we have got it would appear that Germany, Denmark and Sweden have designed their ships to make use of the Sound as well as the Great Belt and under these circumstances it is difficult to see how Germany can claim to deny to others what she is so evidently prepared to make use of herself.

However, it is Denmark and Sweden who will be called upon to decide the question and these two countries could, if they so desired, and were able to enforce it,

absolutely deny all passage through these waters to the ships of war of England, France, Russia and Germany.⁽⁵⁾

It is true that throughout the Great Belt there is a greater width than six miles and so—technically—a portion could be considered as non-territorial, but as, at the narrowest portion near Korsör, a ship drawing over 12 feet must pass within 1.75 miles of Danish land and the same fact obtains a little further South off Omo, the statement I have made above is correct.

The closing of this, however, would be such a high-handed proceeding that it would certainly call down upon Denmark the wrath of a, for once, really united Europe, and it is never probable that she will attempt it: the more so because firstly, evidently from fear of Germany, she has never attempted to fortify any single portion of it and secondly because Germany can quite easily temporarily close or open this passage to friends or enemies at her will and regardless of the feelings of Denmark who could only look helplessly on and plead force majeure should any other nation think it worth while to call her to account.

This closing of the Great Belt by Germany would be effected by means of mines laid down across the passages opposite Omo and Korsör; for which purpose, I believe, careful surveys have been made and all the gear, mines, cables, boats, batteries and stations are ready in Kiel, distant, be it remembered, 42 miles from Omo and 71 miles from Korsör. With torpedo boats operating between and behind these lines it is hardly too much to say that the whole could be completed in 24 hours after the outbreak of war when the passage would be fraught with fearful danger and certain destruction of many valuable ships.

Moreover, there being no Danish garrison in either Funen, Langeland or Laaland, there is no reason why small gun batteries should not be landed on their shores with a view to covering and protecting the minefields and, though Denmark would of course outwardly protest, such a protest, if honestly made, might so very likely be followed by revengeful aggression, with certain ultimate loss of territory to Denmark, that I venture to doubt whether all this may not have been provided for before-hand and Denmark even willing to allow a peaceful penetration of her whole country so that Germany may make certain of her desires. It is therefore, I think, plain that Denmark would agree to allow the passage of all ships at all times through the Great Belt only stipulating, to save her own face, that actual fighting should not take place within its area or even within territorial waters outside.

This, however is, if what I have shadowed above is correct, useless to us because, in case of war with Germany, the passage would certainly be closed. This is not perhaps complimentary to the moral sense of the Germans but then war is not a question of morals but commonsense and, recognizing that in Germany's place, I should have no hesitation in closing the Great Belt to British ships, I can do no less than expect the same from her and therefore must look for some other means by which we can circumvent and destroy these arrangements.

The only other source available is the Sound, which, with or without leave, we should certainly have to force and therefore I must now consider that.

It lies, as I noted before, within the territorial waters of Denmark and Sweden and can therefore, should these two countries be powerful enough to enforce their will, be absolutely closed to belligerents in war time.

As regards Denmark I suspect she would greatly prefer to leave it free to all; but, seeing that Germany in almost every case would prefer it closed, and that, to speak plainly, Denmark's continued independent integrity, if not her existence, depends, unless she is sure of the backing of England, on the good will of Germany, it seems to me that we may any day find that Denmark has, in agreement with Sweden, found it convenient to declare that no war vessels may pass through for fighting purposes: when the defences are quite strong enough to ensure a most unpleasant handling of ships who might attempt to do so. As regards Sweden,

(5) [Marginal comment by Sir C. Hardinge: "Not without breach of their neutrality.—C. H."]

Germany, I am told, is looked upon as the only possible protector against probable future Russian aggression, and, if that is so, we have here again a very potent reason for her falling in with the German desire to cause the Sound to be closed—necessarily, secretly, to all but herself—a course of action, it seems to me, very difficult to oppose when once it is an accomplished fact but possibly to be prevented by plain speaking before-hand.

In such a protest, I would further submit, we should, if my study of the strategical conditions are [sic] soundly based, find ourselves most strongly backed up by Russia, France and Norway and, if they only dared, by Denmark and Sweden themselves.

Lastly I must point out the method of use of the Sound to England.

Broadly speaking the following is a rough list of the opposing vessels which at the commencement of a war the two countries could put into the field.

	England.	Germany.
Battleships	48	24
Armoured Cruisers	32	15
Large protected Cruisers	10	...
Small protected Cruisers	50	22
Scouts &c.	14	5
Destroyers	150	45
Torpedo boats	60	32

In the German armoured Cruisers I have included their 8 Coast defence armoured vessels but of course they are a poor lot. From our numbers, as we should be the blockading power, I must deduct as 5 to 4 to allow for either a blockade or the losses possibly occurring in the destruction of the German Sea power. This would leave us with the following numbers:—

Battleships	18
Armoured Cruisers	12
Large protected Cruisers	10
Small protected Cruisers	21
Scouts &c.	8
Destroyers	90
Torpedo boats	20

with the whole of which we could, if we so desired, proceed to the destruction of Kiel.

Now of these none of the Battleships, the armoured Cruisers or the large protected Cruisers can get into the Baltic except by way of the Great Belt and it is so absolutely certain to my mind that we should find that passage blocked, that it must first be surveyed and swept clear of mines and torpedo vessels.

Of course, indeed it would only be a wise precaution, a portion of this remainder should proceed ahead of our Battle fleet through the Great Belt; but it would be a still more wise and sound precaution to send some round by the Sound and so take the enemy, who, mines or not, would certainly be awaiting us in the vicinity of Langeland, in flank as well as in front and to this step I attach so much importance that I feel it would be impossible to exaggerate it.

In conclusion I acknowledge that I have wilfully treated waters which are perhaps territorial from the same point of view as those which are inland.

This I have done because those of Denmark are a very special case and it is hard to distinguish, for instance, between approaching Russia through the Kiel Canal or the Great Belt or Sound and yet there is no more reason against one than the other. Anyhow if I, who have perhaps more expert knowledge and means of arriving at the facts than most of my profession, feel it to be in such an unsettled and unsatisfactory state, how much more must the average Naval Officer, and, as it is

on his shoulders that, eventually, the using of the power and the defence of the Empire must devolve, I submit to Your Excellency, from what I have tried to point out in the body of this letter, that this is a burning question which requires a full and clear understanding being arrived at with Denmark and Sweden as soon as possible.

I have, &c.

PHILIP DUMAS,

Captain & Naval Attaché.

MINUTES.

(1.) Captain Dumas argues his case with his customary ability and thoroughness. Yet I feel some hesitation in accepting as proved his ultimate conclusion, which is that an "understanding" should be arrived at as soon as possible with Sweden and Denmark, in accordance with which these two powers would undertake to allow the Sound to remain open at all times for navigation by belligerent warships.

(2.) There are several points on which Captain Dumas' reasoning does not appear at first sight altogether conclusive:

- (a.) The first point is a purely strategical one, and it is therefore perhaps a little presumptuous for me to express an opinion which amounts to a criticism of the views of so able and expert an officer as Captain Dumas. If I do so, it is only because on this particular point all subsequent arguments really depend. Captain Dumas assumes the German fleet at a given moment to be either beaten, or blockaded by a British force outnumbering it in the proportion of 5 to 4. This is supposed to liberate the remainder of the British navy to operate against Kiel, and this movement, it is suggested, would be carried out by (1) an advance of the bigger ships, preceded by mine-searching craft, through the Great Belt, and (2) a flanking expedition of smaller vessels passing through the Sound, the particular duty of this force being apparently to help effectually to clear the mine-fields in the Great Belt preparatory to the passage of our battleships. Now where is at that moment the German battle-fleet supposed to be, in the case that it has refused to fight and allowed itself to be blockaded? Evidently Captain Dumas assumes it to be and to remain in the North Sea. But since according to his arguments, the local defences at and around Hamburg are so formidable as to prevent the close approach of the British blockading force, which can accordingly be immobilized by those local defences alone, what is to prevent the German fleet from either remaining from the outset in the Baltic, or from passing into it through the Kiel canal, if it were at first concentrated on the Atlantic side? In that case the whole German battle fleet would be assembled between Kiel and the Belts and Sound, and the operation of a British advance through those straits would have to be of a somewhat different character from what Captain Dumas describes; because, as he himself points out, whilst the Great Belt would be effectively closed by mines, and difficult to force unless taken in flank by vessels advancing through the Sound, the passage through the Sound could be made almost impossible for small vessels, such as alone we could employ, by German battleships.
- (b.) Leaving aside however these considerations, and assuming for the moment the correctness of the strategical situation as imagined by Captain Dumas, it yet remains difficult to see where the advantage of an immediate "understanding" with Sweden and Denmark comes in. His contention that the straits connecting the Baltic with the North Sea are on the same footing as artificial waterways constructed across German territory can hardly be taken seriously. No one will contest Germany's right to close to all navigation any such artificial waterways, whilst it is certainly contrary to well established and universally recognized principles of international law to close arms of the sea open at either end, and more than 6 miles wide, anywhere, and particularly in such a position as is occupied by the Belts and the Sound. It would equally conflict with international usage if any Power were to forbid foreign belligerent warships to navigate its territorial waters so long as such waters are not actually used for belligerent purposes. If Denmark or Sweden contemplated such a course, they would be well aware that they intended to violate the law of nations, and if they were prepared to do so, they could have little hesitation in equally violating a treaty or "understanding" which bound them merely to observe the rules of international law in the particular case. So far therefore as there may be a risk of Sweden or Denmark, or both, attempting to close the straits, such risk will not materially be diminished by any "understanding" with those Powers.

If anything is to be done at all, it would more properly lie in the direction of an understanding with France and Russia (and possibly Germany herself) by which the several Powers declared their adherence to the principle that the straits cannot lawfully be closed.

Perhaps, however, Sir E. Grey will prefer to express no opinion for the present on the points which arise on this report, and confine himself to passing it on to the Admiralty, for

consideration with the other papers on the same subject which were recently referred to them for their observations.

If the question treated above under (b) is to be gone into now, it would be desirable to ask Mr. Davidson to advise whether the principles of international law have been correctly stated.

E. A. C. M[arch] 11.

Mr. Crowe in this excellent minute shows plainly that no advantage is to be gained by endeavouring to come to an understanding with Denmark or Sweden.

I doubt if the Admiralty will wish the question raised at all, but a copy of the minute omitting the last two paragraphs might be shown to them.

E. B.

I do not think it advisable that this minute which deals partly with strategical considerations, interesting to discuss here but outside our proper province, should be shown to the Admiralty. They have their own plan of campaign which may be modified or not after perusal of Capt[ain] Dumas' report.

In any case I know, through Capt[ain] Ottley, that the present view of the Admiralty is that there should be no change in the actual "status quo" of the Straits.

No action need therefore be taken beyond forwarding the report to the Admiralty.

C. H.

Sweden and Denmark could not enter into this understanding without being accused of directing their policy against Germany. Probably this would deter them from doing so.

They would no doubt prefer in the event of war to preserve their neutrality and not to close the Sound or Great Belt to the passage of ships: if they depart from this attitude it will be owing to force majeure from which no previous understanding could save them.

Our line must be to maintain that the Sound and Great Belt are open to the passage of ships and that any attempt to close them is a violation of neutrality which would make Denmark or Sweden a party to the war and an ally of our opponent. That is the most effective attitude that we can take.

Mr. Crowe's minute is very good, but we need not send it to the Admiralty now. There is no object in inviting the Admiralty to discuss the question any more: we believe that we are agreed.

E. G.

No. 105.

Sir F. Lascelles to Sir Edward Grey.

F.O. 371/242.

16333/3058/07/15.

(No. 219.) Confidential.

Sir,

Berlin, D. May 17, 1907.

R. May 21, 1907.

With reference to my despatch No. 127 of the 28th March,⁽¹⁾ I have the honour to transmit herewith, a despatch which I have received from Captain Dumas, His Majesty's Naval Attaché, on the subject of a conversation which he had with the Danish Chargé d'Affaires, with regard to Denmark's attitude respecting the passage of the Belts.

I have, &c.

FRANK C. LASCELLES.

Enclosure in No. 105.

Captain Dumas to Sir F. Lascelles.⁽²⁾

(No. 27.) Confidential.

Your Excellency,

Berlin, May 17, 1907.

I have the honour to submit that in the course of conversation last night with Herr von Scavenius, the Danish Chargé d'Affaires, he spoke to me very openly of the perpetual difficulties that faced Denmark with regard to the passage of the Belts.

The conversation opened by his remarking that at the time the Russian fleet passed through on the way to Japan they received a peremptory note from that

⁽¹⁾ [Not reproduced.]

⁽²⁾ [The original of this despatch was sent to the Admiralty. The text has been taken from the *Confidential Print*.]

country, couched in the most undiplomatic language, ordering them to close the passage, which, of course, he added, we were powerless to do.

He then went on to say that the question had lately been again brought on the *tapis*, owing to the action of M. Crozier, late French Minister to Denmark, in prompting the "Times" correspondent in Paris. I asked him if he was sure of this, and he said "Yes"; but could not say if the inspiration was direct or indirect.

As to any alliance between Germany and Denmark, he declared on his word of honour (his own words) that none existed, and he believed there was no man in Denmark strong enough or foolish enough to attempt to arrange such an alliance.

I pointed out that it might be forced on them, and he went on to say: "Oh, yes, of course we recognize that Germany can close the Belts to traffic whenever she pleases, and is probably all ready to do so, while we can't prevent it occurring; but that doesn't mean that we should view any such action with anything but rage, and every soul in Denmark would feel the same."

He said further that he had lately had a talk with Herr von Tschirschky about this question, and he had said that, so far as he knew, no one in Germany had even considered an alliance with Denmark.

"Of course," Herr von Seavenius continued, "I didn't believe that, as we know that it is largely spoken of here; but I didn't like it, because it shows that, with or without us, Germany feels that she can mine the narrow portions of the Belts, and so close it in time of war; and so you can imagine what an unceasing cause of possible trouble to us this question is, and the more so because it must be continually coming up."

In conclusion, he also hinted to me that he had heard that the Japanese fleet was coming to Kiel for the week, and hoped they could arrange that the squadron should be asked to pay a visit to Copenhagen.

I have, &c.

PHILIP DUMAS,
Captain and Naval Attaché.

No. 106.

Sir F. Bertie to Sir Edward Grey.

F.O. 371/338.

23105/21122/07/42.

(No. 342 A.) Most Confidential.

Sir,

Paris, D. July 9, 1907.

R. July 12, 1907.

I had some conversation with M. Clemenceau today on the subject of the new Russian draft Convention,⁽¹⁾ relative to Norway, which has recently been communicated to you by the Russian Government, together with the intimation that Russia desires to be released from her obligations under the Treaty of Paris of 1856 precluding her from fortifying the Åland Islands, and from maintaining or creating there any military or naval establishment.⁽²⁾

I said that this intimation had been a disagreeable surprise to you. It was not directly connected with the position of Norway, and it opened up questions which required much consideration, including the position of Sweden, and that you had made a suggestion to the Russian Ambassador that it might be well that as the Russian proposal raised a question outside the Norwegian negotiations, and one altering the *status quo* in the Baltic, the whole subject of the Scandinavian Peninsula and the Baltic should be discussed in a Conference between Russia, Great Britain, France and Germany.

I suggested to M. Clemenceau that it was a curious coincidence that Russia should bring forward this demand, which would reduce Sweden to the position of

(1) [*v. supra*, p. 112, No. 94, *encl.*]

(2) [Printed in *B.F.S.P.*, Vol. 46, pp. 23-4, *cp.* Hertslet: *Map of Europe by Treaty* (1875), Vol. II, pp. 1272-3.]

a Russian Grand Duchy, at the same moment that she proposed a Treaty which would deprive Norway of the right to make arrangements with Sweden for their common defence, and that the Norwegian Government should be ready to accept such an arrangement and should press for its signature within the space of a week, considering that they had so short a time ago strongly objected to being deprived of such a right, and had seemingly preferred to forgo a guarantee of the neutrality of Norway and drop the negotiations rather than not have their hands free to enter into Agreements with Sweden and Denmark. I put it to M. Clemenceau that he personally, not having Russian predilections, could not be in favour of making the Baltic a Russo-German lake. Russia, with the present intimacy between the Czar and the German Emperor, might not continue to be the ally of France. There might be a renewal of the feeling in Russia and Germany for a close understanding between the three Empires, and if this were brought about and a war broke out between England and Germany, and Germany got to and seized the passages from the North Sea into the Baltic before the British fleet could reach them, what would be the position of England and of France, supposing that the neutrality of Norway had been guaranteed? England, even if she abstained from joining in such a guarantee, would not be able to borrow a Norwegian port to watch the approaches through the Straits without raising a question in which France would be called upon to oppose England. France would be in a dilemma of having to support Germany against England or to disregard her guarantee.

M. Clemenceau said that he did not think it probable that the attitude of Russia towards France would change, but he admitted that it was a possible contingency which must be borne in mind in considering the question of the Russian proposals in regard to Norway and the Aland Islands. He would, he stated, discuss the matter with M. Pichon. His Excellency told me, in reply to a question from me, that no definitive decision on the subject had been come to by the French Government. I said that I supposed that Russia must have come to some preliminary understanding with Germany in regard to the Baltic, otherwise Germany would not be ready to sign the proposed Norwegian Arrangement in such a hurry. During the Norwegian negotiations you had considered it only right that the Swedish Government should be informed of any proposals affecting the interests of Sweden, and the question of the Aland Islands was one in which you would certainly have to confer with the Swedish Government, the Treaty stipulations from which Russia desired to be released having been enacted for the security of Sweden.

Towards the close of my interview with M. Clemenceau I suggested that perhaps the French Government might prevail on the Russian Government to drop the Aland Islands proposal on the ground that it endangered the success of the negotiations between the Russian and British Governments in regard to Central Asia and Persia. The Russian Government had objected to the insertion in the proposed Agreement respecting Persia of any mention of the interests of England in the Persian Gulf. You had deferred to the wishes of the Russian Government in this matter. They might, on their side, drop their Aland Islands proposal, which the French Ambassador in London believed was the Russian counter-stroke to our Persian Gulf proposal.

M. Clemenceau quite understood that, in all that I said to him, I was speaking without instructions, and unofficially. His Excellency gave me the impression of being greatly embarrassed by the Aland Islands question, and also, but in a less degree, by the proposed guarantee of the neutrality of Norway, and of feeling the difficulty for France of opposing Russian desires, and of hoping that the objections of England might be sufficient to prevail on the Russian Government not to press their views. He is extremely anxious that the negotiations between the Russian and British Governments in regard to Central Asia and Persia should be brought to a successful conclusion as soon as possible.

I have, etc.

FRANCIS BERTIE.

[*ED. NOTE.*—The Emperor William II and the Czar met between August 3 and 6 at Swinemünde. M. Isvolski proposed to Prince von Bülow the draft of an arrangement for completely excluding from the affairs of the Baltic all States except those whose shores were washed by its waters. Norway, Great Britain and France would thus have been excluded. The text of the proposed arrangement was as follows:—

Enclosure in Memorandum of Herr von Tschirschky of August 7, 1907.⁽¹⁾

Protocole Secret.

Les deux Gouvernements Impériaux d'Allemagne et de Russie reconnaissant l'existence d'une parfaite communauté d'intérêts dans leur politique par rapport aux régions de la mer Baltique,

et désireux de consolider, par une entente y relative, les liens, plusieurs fois séculaires, d'amitié traditionnelle et de bon voisinage qui unissent leurs Etats,

déclarent par le présent Protocole que leur politique générale dans ces parages a pour objet le maintien du statu quo territorial actuel sur la base de l'exclusion complète des affaires de la mer Baltique de toute influence politique étrangère.

Conformément à ce principe fondamental de leur politique, les deux Gouvernements Impériaux sont fermement résolus à conserver intacts les droits de Sa Majesté l'Empereur d'Allemagne [*sic*], Roi de Prusse, et de Sa Majesté l'Empereur de toutes les Russies sur Leurs possessions continentales et insulaires respectives situées dans les dites régions et s'engageant à ne reconnaître dans l'avenir, en qualité d'intéressés aux affaires de la Baltique, aucune autre Puissance, excepté les Etats riverains, qui sont : l'Allemagne, la Russie, la Suède et le Danemark.

Les deux derniers Etats pourront, par conséquent, être admis à conclure avec les deux Empires des accords spéciaux reconnaissant leur intégrité territoriale et assurant ainsi le maintien général du statu quo actuel dans le bassin de la mer Baltique.

En foi de quoi, les Soussignés, dûment autorisés à cet effet, ont signé le présent Protocole et y ont apposé les cachets de leurs armes.

Fait en double à bord le .]

⁽¹⁾ [The text is given in *G.P.*, XXIII, II, pp. 463-4. The protocol was not in fact accepted.]

No. 107.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/327.

30829/30829/07/38.

(No. 459.) Confidential.

St. Petersburg, D. September 7, 1907.

Sir,

R. September 16, 1907.

The Japanese Chargé d'Affaires called upon me yesterday and said that he wished to ask me if I had heard whether at the recent interview between the two Emperors at Swinemünde the question of the Baltic had been discussed. He added that he had been informed that the Emperors had come to a mutual understanding to assist each other in defending their interests in the Baltic, and he would be glad to know if I could confirm this report. His information came from a gentleman who asserted that he was in a position to know what passed in inner Court Circles.

I told Monsieur Otchiai that I was unable to confirm or to deny the report, as beyond what Monsieur Isvolsky had told me I was unaware of what had passed between Their Majesties : but I doubted if such an agreement had been concluded. Moreover Monsieur Isvolsky had always asserted, not to me but to others, that for his part he did not contemplate entering into any engagements so long as Russia had not reorganized her forces and had not re-established order at home. At the same time it was quite possible that the Baltic question had been discussed, and that the Emperors in private conversation had come to some understanding without Monsieur Isvolsky having been consulted. I did not exclude the possibility of the information which had reached him being accurate.

The Japanese Legation is usually credited with being very well informed, and the fact that Monsieur Otchiai, a man of an exceedingly retiring disposition, came to see me on the subject is perhaps evidence that he attaches some importance to the information which had been supplied to him.

I have, &c.

A. NICOLSON.

No. 108.

Sir F. Bertie to Sir Edward Grey.

F.O. 371/338.

36055, 36055/07/18.

(No. 525.) Secret.

Sir,

Paris, D. October 31, 1907.

R. November 1, 1907.

M. Pichon is getting nervous as to what may be in discussion or have been already settled between Russia and Germany in regard to the Baltic. He asked me yesterday whether I had any information on the subject, and on my replying in the negative he said that he could not help suspecting that Germany had either done or was doing something to secure for herself advantages in the Baltic. She had been suspicious of British policy in regard to Norway, attributing to His Majesty's Government the intention in the event of war to occupy a Norwegian port as a basis for hostilities with Germany, and she had therefore wished to have the integrity of Norway guaranteed, and both She and Russia had appeared to attach little or no importance to the position of Sweden. He had asked the Swedish Minister, who had just been to see him about the Treaty relative to Norway, whether he had any knowledge of negotiations in regard to the Baltic, but he had not elicited from him any information. It was evident that Germany in view of the agreements between England and France, England and Russia, France and Spain, and Spain and England, desired to make agreements herself. The Russian Minister for Foreign Affairs with whom he had within the last few days discussed many questions had asked him why France had entered into an agreement with Spain on the subject of the French and Spanish possessions in the Mediterranean and Atlantic Sea,⁽¹⁾ for to him the proceeding had seemed unnecessary and it offended Germany. To this M. Pichon had, he told me, replied that there were many reasons rendering such an agreement advisable and that he need only mention one to convince M. Isvolsky that France was justified in making it. That reason was that the French Government know,—and from the King of Spain himself,—that the German Emperor had endeavoured to obtain from His Spanish Majesty a renewal of the undertaking given by his father that in the event of war between France and Germany he would assist Germany by placing a hundred thousand Spanish troops on the French frontier. What answer if any M. Isvolsky made to this statement M. Pichon did not tell me. His Excellency however asked himself and he asked me what could be the advantages which Russia would seek from Germany and Germany from Russia, and he enquired whether I had any suspicions in regard to the policy of Sweden.

I told M. Pichon that the Swedish Government were naturally very sore at the terms of the Norwegian draft treaty. Norway had not been straightforward towards Sweden and Sweden had acted foolishly in keeping aloof and not communicating to England and France, the signatories of the Treaty of 1855, her wishes. She had made them known too late in the day, and she had hinted that if she could not obtain satisfactory assurances from one quarter she must seek them from another, which probably meant Germany. As to what advantage Russia might expect from Germany I thought that it might be found in Poland and an undertaking by Germany to assist Russia in the Baltic against naval attack by closing the passages from the North Sea. Germany might by a secret agreement with

⁽¹⁾ [*cp. Gooch & Temperley, Vol. VII, pp. 1-51, passim.*]

Sweden undertake to protect her against Russia and so obtain from Sweden concurrence in her project of closing the Baltic to all ships of war other than those of Germany, Russia, Sweden and Denmark.

M. Pichon said that the question of the Baltic caused him much anxiety and he had written to M. Cambon on the subject.

I did not mention to M. Pichon the conversation which I had in July last with M. Clemenceau (see my despatch No. 342 A, July 9)⁽²⁾ as I did not know how much of it if any he had reported to his colleague at the Quai d'Orsay.

I have, &c.

FRANCIS BERTIE.

(²) [*v. supra*, pp. 130-1, No. 106.]

No. 109.

Sir F. Bertie to Sir Edward Grey.

F.O. 371/338.

36534/20160/07/17.

(No. 526.) Secret.

Sir,

Paris, D. November 1, 1907.

R. November 5, 1907.

Monsieur Barrère the French Ambassador at Rome who was my Colleague there in 1903 and 1904 and whom I know very well paid me a visit to-day. In the course of conversation he asked me whether I knew Monsieur Isvolsky and he spoke in a tone which led me to think that he had not a good opinion of that Minister. I replied that I had met him last year and this year: that last year Count Benckendorff had wished me to see Monsieur Isvolsky about a visit which he had expected to make to London. The latter gentleman had shortly afterwards called on me and had stated that His Majesty the King had been pleased to say that He would receive him if he went to London, and he desired to explain to me the reasons which prevented his going. The reasons which he gave were a change of Government here which caused an interregnum and consequently a delay in business to be transacted with the French Government and the necessity for him, on his way home, where his presence was required, to stop at Berlin in order to ascertain what were the commercial interests of Germany in Persia which she wished to be respected in any arrangements made between Russia and England.

Monsieur Barrère said that he knew for certain that Monsieur Isvolsky had been dissuaded from going to England by the German Government. I said that I had heard that Monsieur Isvolsky had given out that there had never been any intention on his part of going to England. Monsieur Barrère then observed that Monsieur Isvolsky was very false and he felt sure that he had either come to some arrangement or was negotiating one with the German Government; the anxiety of Russia to sign the Treaty regarding Norway and the silence on the subject of Sweden were suspicious, and he asked me what I thought the arrangement between Germany and Russia regarding the Baltic would be if it existed. I replied that I had no information on the subject, but that my private opinion was that such an arrangement might be on the basis of Germany and Russia agreeing to support each other in resisting the entrance into the Baltic during War of the Ships of War of any Countries other than Denmark and Sweden; and Germany, in order to obtain the assistance of Sweden in closing the Straits between the coast of that Country and Denmark and to allay her fear of Russia, might give her a secret guarantee against an attack by Russia. This would be a reinsurance after the manner of Bismarck. Monsieur Barrère said that he believed that the arrangement was very nearly what I thought it might be: that the Russian Government had no right to make such an arrangement behind the back of the French Government. To this I answered that the Russian Government might say that it was for the contingency

of an attack by England and that it was not directed against France. Monsieur Barrère replied that the Alliance between Russia and France being in restraint of Germany, the Russian Government had no right to enter into an Agreement with the German Government detrimental to the interests of France which the closing of the Baltic would be. I told Monsieur Barrère that the position of France as the Ally of Russia was no doubt a difficult one in Baltic questions, but there had been too much inclination to rely on England saving the interests of France in defending her own.

It is evident from Monsieur Barrère's language taken in connection with the statements made to me by Monsieur Pichon which I had the honour to report to you in my despatch No. 525 Secret of the 31st ultimo⁽¹⁾ that the French Government have some good reason to believe that Russia has come to an understanding with Germany.

I have, &c.

FRANCIS BERTIE.

(¹) [v. immediately preceding document.]

No. 110.

Sir Edward Grey to Sir F. Bertie.

F.O. 371/338.

37065/20160/07/42.

(No. 621.)

Sir,

Foreign Office, November 7, 1907.

M. Cambon referred to-day to Sir Francis Bertie's conversation with M. Clemenceau about a possible Russian Agreement with Germany about the Baltic.⁽¹⁾

He reminded me that M. Hartwig had informed Sir Cecil Spring-Rice some time ago that M. Isvolsky and Baron Schoen had, at Copenhagen, begun a conversation on the subject of an Agreement about the Baltic.⁽²⁾ The idea had been that Russia and Germany should make an Agreement to close the Straits into the Baltic, and that they should make Sweden a party to it: which would no doubt be flattering to her. M. Isvolsky had not received any instructions from his Government at the time to follow up this conversation, and Count Lamsdorff had put the idea entirely on one side.

But subsequently M. Isvolsky, as Foreign Minister at St. Petersburg, and Baron Schoen, as German Ambassador there, would have been in a position to take up the matter again.

Also, M. Isvolsky was now detained in Germany by ill-health, and might be in a position to continue the conversation with Baron Schoen at Berlin.

M. Cambon asked me whether I had heard anything.

I told him I had heard nothing recently, except for the conversation of Sir F. Bertie with M. Clemenceau to which M. Cambon had just referred.

The Swedish Minister had pointed out to me the other day, in connection with the Norwegian Treaty, that, if the 1855 Treaty with Sweden was to be abrogated, and the Aland Islands Treaty too, then Norway would have acquired a privileged position, while that of Sweden would be worse than ever. In reply to his question about the Aland Islands Treaty, I had said that I had heard nothing more about it since the matter was first raised some time ago. And I had told him that, though I had no knowledge of the disposition of Russia, it seemed to me that there was no reason to suppose that Russia would be unwilling, with regard to these questions, to

(¹) [v. *supra*, pp. 130-1, No. 106.]

(²) [A minute by Sir C. Hardinge attached to Sir F. Bertie's despatch No. 544 of November 13, 1907, R. November 15, states that "when M. Isvolsky and Herr von Schön were colleagues at Copenhagen they elaborated a scheme for closing the Baltic which C[oun]t Lamsdorff rejected." F.O. 371/338. 37617/20160/07/17.]

remove any apprehensions which Sweden might feel and that if the question of the Aland Islands Treaty was raised, I could not see why Sweden should not approach the Russian Government on the subject.

M. Cambon observed that it might be a matter for discussion whether the 1855 Treaty with Sweden had or had not been abrogated *ipso facto* by the separation of Norway. But there could be no question that the Aland Islands Treaty had not been abrogated by the separation, for Sweden was not a party to it.

I suggested that when the Aland Islands Treaty question was next raised by Russia there would be an opportunity for asking the views of the Russian Government as to the Baltic question generally.

[I am, &c.]
E. G[REY].

No. 111.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

Foreign Office, November 12, 1907.

I have very little news to give you.

Your tel[egram] received this morning of an agreement being negotiated between Germany and Russia about the Baltic confirms our suspicions. There have been several indications that something was in progress but we are unable to discover what its purport may be. The French are nervous about it. I told Cambon that it really does not matter very much to us if the Germans and Russians do agree to close the Baltic in time of war, as we have always contemplated that eventuality in case of war with Germany and fortunately the risk of war with Russia has been indefinitely removed. Cambon suggested that a combination of that kind might have a moral influence, which is true, but we cannot prevent that. If an agreement is made by which the status quo in the Baltic is maintained we can have no objection to offer, but if an agreement to close the Baltic is come to we have every right to protest. In any case we can show ourselves recalcitrant about the abrogation of the treaty about the Aland Islands until we know the actual situation in the Baltic. . . .⁽²⁾

Yours ever,

CHARLES HARDINGE.

⁽¹⁾ [Carnock MSS., Vol. II of 1907.]

⁽²⁾ [The remainder of the letter refers to the project of a visit by King Edward to the Czar at Reval. *cp. Gooch & Temperley*, Vol. V, pp. 232-46, Chap. XXXVII.]

No. 112.

Sir Edward Grey to Lord Tweedmouth.

Private.⁽¹⁾

My dear Tweedmouth,

Foreign Office, November 19, 1907.

There are reports that Russia and Germany are coming to some secret agreement about the Baltic, and that Sweden may be induced to join them.

I assume that such an agreement might take the form of an engagement between the three Powers to prevent the passage of belligerent ships into the Baltic in time of war, while keeping the Straits open for the ships of Russia and Germany.

I do not see how we can prevent any such agreement being made. Fifty years ago, France and ourselves undertook certain obligations to protect Sweden and prevent the Aland Islands from being fortified. But these obligations were undertaken against Russia alone, and France is now the ally of Russia. She cannot undertake obligations in favour of Sweden directed against both Russia and Germany; and we cannot by ourselves tell Sweden that she may reject any overtures from Russia and Germany, and rely upon us to protect her against them and prevent the Aland Islands from being fortified.

⁽¹⁾ [Grey MSS., Vol. 48.]

But it may be that, in one way or another, the question of the Baltic will come up for discussion. If it does, I should like to know what in the view of the Admiralty is the best line for me to take.

I assume that what you would like would be an Agreement that the Straits should be neutralised, not closed to any ships of war, and available as neutral water-ways in the same manner as the Suez Canal is available. But I am sure we could not get all the great Powers interested to agree to such an Agreement.

The utmost I could hope for would be that Russia and Germany should not enter into a mutual engagement to help each other to close the Straits. And I doubt whether I could do more than to keep us free from any international entanglement so that in time of war we should be free to do what we pleased at our own risk.

It might be worth while if I came to discuss the question with you and Fisher when you have had time to consider it.

I spoke to Ottley about it to-day but it would be some time before the Defence Committee could take it up, as they have so much else already in hand.

In any case, it is a question on which the Admiralty view is the most important.

Yours sincerely,
E. GREY.

No. 113.

Sir Edward Grey to Count de Salis.

F.O. 371/338.

40143/20160/07/42.

(No. 366.) Very Confidential.

Sir,

Foreign Office, December 4, 1907.

The German Ambassador to-day came to tell me confidentially, by the desire of his Government and of the Emperor, that discussions had been proceeding since the summer between Russia, Germany, and Sweden with a view to the conclusion of an arrangement respecting the Baltic, similar to that which we had made with Spain about the Mediterranean, for the purpose of agreeing to maintain the "status quo": a consequence of which would be that the Baltic remained an open sea for navigation.

The Emperor had thought of mentioning the matter to me at Windsor.⁽¹⁾ But he had decided not to do so, because he regarded his visit here as a family affair during which it might not be suitable to raise political questions; and also because at that time it was not certain that the negotiations were approaching a conclusion. It was considered now, however, that the discussion with Russia was almost ended, though the discussion with Sweden might need some time longer.

The Emperor further wished me to be told that, in his opinion, this arrangement might with advantage be supplemented by a similar arrangement with regard to the "status quo" in the North Sea, to which England, Germany, Denmark, and Holland should be parties. Belgium being a neutral State, it was not so appropriate that she should be included.

I first thanked Count Metternich for making the communication to me respecting the Baltic; and said that, though I could hardly speak officially about it at once, personally I saw in it nothing whatever which could cause difficulties with us. We had no desire except to see the "status quo" preserved, and freedom of navigation. I was very glad the communication had been made to me, as it was always better to know the truth about such matters before one heard of them in an inaccurate form.

I then asked Count Metternich whether the fortification of the Aland Islands, respecting which we had a Treaty, would be regarded as a disturbance of the "status quo."

(1) [*cp. Gooch & Temperley, Vol. VI, pp. 78-107, passim.*]

Count Metternich said this was a point of difficulty between Sweden and Russia, though not with Germany. Russia felt that the Aland Islands offered dangerous facilities for the importation into Finland of arms, etc., in revolutionary times, and she wished to be able to guard against this.

I said Russia had raised the question of the Aland Islands Treaty in the summer on this ground, but the question had since been dropped.

With regard to the North Sea, the idea was entirely new to me. It was, of course, a thing on which I should have to consult my Colleagues before I could say anything.⁽²⁾

Count Metternich reminded me that the whole of this communication was made confidentially.

I then asked him whether the information about the Baltic was being communicated to any other Power, and more particularly France.

Count Metternich said he did not know, but his impression was that the German Government were not making a communication to France.

I told him my reason for asking him this was that we had Treaties with France respecting Sweden and the Aland Islands; the question of the Aland Islands Treaty had been discussed in the summer; the question of the abrogation of the Swedish Treaty had been under discussion quite recently in connection with the negotiations about the Norwegian Treaty. It was true that the Treaties had been made a long time ago, and did not correspond to the political situation of the present day; but their formal abrogation was a delicate matter, especially with regard to Sweden, and had a bearing on the question of the Baltic and France was one partner in these Treaties.

Count Metternich said he would enquire whether his Government was making any communication to the French Government.

[I am, &c.]
E. G[REY].

MINUTE BY KING EDWARD.

This is very important.

E.R.

(²) [*v. infra*, pp. 142-3, No. 118.]

No. 114.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/338.

40298/20160/07/42.

(No. 602.) Confidential.

Sir,

St. Petersburg, D. December 4, 1907.

R. December 9, 1907.

Monsieur Iswolsky mentioned to me this afternoon that Count Benckendorff had informed him that he had understood from a conversation which he had had with Sir C. Hardinge that certain rumours were afloat that Russia, Germany, and Sweden had come to some arrangement relating to the Baltic. Monsieur Iswolsky enquired whether I had had any cognizance of these reports. I replied in the affirmative.

His Excellency said that he was sending a telegram to Count Benckendorff to explain what had occurred, and if he had time, before the departure of his messenger to-morrow, he would amplify his explanations in a Despatch.

I would, he continued, perhaps recollect that when the Russian Government had raised the question of abrogating the Treaty of 1856 concerning the Aland

Islands, His Majesty's Government had considered that such an abrogation, coinciding with the conclusion of the Norwegian Integrity Convention and the disappearance of the 1855 Treaty, would leave Sweden in an isolated and delicate situation.⁽¹⁾ The Russian Government had, therefore, desisted from this proposal in regard to the Treaty of 1856, and had considered whether the disquietude of Sweden could not be allayed by some friendly arrangement between the three Baltic Powers, Russia, Germany and Sweden—Denmark apparently being left out of consideration. He had consequently, spoken with Monsieur de Schoen, when Ambassador here, and also with Monsieur de Trolle whom he had met in Paris. It was of importance to Russia that her hands should not be tied in respect to the Aland Islands, not with any view of menacing Sweden, but as a simple measure of assisting in effective police measures for the prevention of the illicit introduction of arms &c. into Finland.

From the above overtures certain more definite discussions had ensued, and although the pourparlers were not yet concluded, it was probable that Russia would be enabled to exchange a declaration with Sweden which would guarantee the territorial status quo in the Baltic, and would establish a satisfactory arrangement as to the Aland Islands. There was no question of closing or of neutralising the Baltic, and in short the declaration would be drawn very much upon the same lines as the recent agreements between Great Britain, France and Spain.

I asked him what part Germany would take in this declaration, and I did not quite understand if it were a declaration to be signed by all three Powers or three separate declarations.

Monsieur Iswolsky said that he had only to concern himself with the declaration to be exchanged between Sweden and Russia: and he presumed that the former country would exchange a similar one with Germany. I asked if a declaration was also to be signed between Russia and Germany. His Excellency said that of course Germany had agreed to the procedure which was to be adopted but he gave me no definite reply. He added that perhaps he might communicate to His Majesty's Government full details though he observed that we had not previously informed Russia of our agreement with Spain.⁽²⁾ I remarked that we were hardly called upon to do so. This he perfectly admitted, especially as our Convention was not then signed and our relations were not so thoroughly and satisfactorily established as they were at present: but France, he considered, should have acquainted Russia a little earlier than twenty-four hours before the Agreement was communicated to other Powers. He concluded by saying that he trusted that the explanations which Count Benckendorff was to give you would be satisfactory.

It seemed to me advisable to say nothing further but to await your instructions. if you should think fit to favour me with any, after you had received the communication from Count Benckendorff which may be more precise in its details than the observations which Monsieur Iswolsky was good enough to make to me.⁽³⁾

I have, &c.

A. NICOLSON.

MINUTE.

If Russia can come to terms with Sweden about the Aland Isl[and]s it can only be a matter of satisfaction to all concerned. The procedure to be followed is evidently precisely similar to that of the Spanish notes, Sweden occupying the position of Spain. I do not see that Sir A. Nicolson requires any further instr[uctio]ns.

C. H.
E. G.

⁽¹⁾ [*v. supra*, p. 116, *Ed. note.*]

⁽²⁾ [*v. Gooch & Temperley*, Vol. VII, pp. 40-1, No. 54.]

⁽³⁾ [A brief summary of the contents of this despatch was sent by Sir A. Nicolson in his telegram No. 255 of December 4, D. 7.43 P.M., R. 10 P.M. F.O. 371/338. 39907/201C0/07/42.]

Sir F. Bertie to Sir Edward Grey.

Personal & Secret.⁽¹⁾

My dear Grey,

Paris, December [2?]6, 1907.⁽²⁾

Clémenceau told me today that he had had occasion to see the President of the Republic this morning, and that he had made known to M. Fallières the misunderstanding which has arisen in regard to his conversation with Lister, and that the President had thereupon informed him that the Russian Ambassador had been at the Elysée this morning to give explanations in reply to the representations made to the Russian Government by the French Ambassador on the subject of the Baltic negotiations between Russia and Germany. The President of the Republic had not considered them in any way satisfactory and had stated to M. Nelidow that the Russian Government had no right to enter into any arrangement with another Government affecting in any way the interests of France without consultation with the French Government. The questions of the Baltic and of the Spanish Islands etc were not analogous. The Baltic was a French interest; the Spanish Islands were not a Russian interest. Spain was not the ally of Russia. France was the Ally of Russia, and the projected Agreement respecting the Baltic was intended to be made with Germany against which Country the Franco-Russian Alliance had been concluded: France expected Russia to act as loyally to her as she did to Russia and if the Russian Government did not regard the Alliance in the same light as the French Government they had better do so.

Clémenceau told me that the President had made this reply to the Russian Ambassador without any prompting from him.

Bompard will be withdrawn. I think that perhaps Barrère will be sent to Petersburg.

Clémenceau gave me leave to inform you in a "personal" letter and confidentially of M. Fallières' reply to the Russian Ambassador.

Yours sincerely,
FRANCIS BERTIE.

(1) [Carnock MSS., Vol. II of 1907.]

(2) [The date of this letter is probably December 26. The document is placed in order in the volume to which it belongs under December 6, and for this reason is inserted in similar order here. There are, however, faint traces of a "2" in front of the "6" and the interview referred to can hardly be other than that of December 12. It ought therefore probably to be read in connection with the private letter of December 25 (*v. infra*, pp. 156-7, No. 134, and *note* (2)), and to be placed after it.]

Sir Edward Grey to Sir A. Nicolson.

F.O. 371/338.

39907/20160/07/42.

Tel. (No. 343.)

Foreign Office, December 7, 1907.

D. 1.30 P.M.

As France is our partner in the Treaties affecting the Baltic the abrogation of one of which is now under discussion we must tell her of new arrangements indicated by M. Isvolsky. But it seems more natural for Russian Gov[ernmen]t to tell France first: you should therefore ask M. Isvolsky whether he has done or will do so. You may add that we see nothing in a convention for maintaining status quo to which we need take any exception.

[*ED. NOTE.*—King Oscar of Sweden died on December 8, 1907, the Crown Prince having been appointed as Regent four days earlier on account of the King's illness.]

Sir Edward Grey to Mr. Lister.

F.O. 371/388.
40565/20160/07/42.
(No. 698.)

Sir,

Foreign Office, December 9, 1907.

I observed to M. Cambon to-day that the French Government had had a communication from the Russian Government about the Baltic.

M. Cambon replied that this was so. His Government understood that Russia and Sweden were discussing an arrangement, and that there must also be an arrangement with Germany.

The Russian Government had represented to them that this was like the arrangement which had been made between France, England, and Spain with regard to the Mediterranean.⁽¹⁾ But the French Government could not take this view, because England and France already had Treaty obligations in the Baltic.

I reminded M. Cambon that, when the Aland Islands Treaty had been under discussion in the summer, I had always said it would be desirable to make sure what the arrangements as to the Baltic were to be in future before we abrogated the Treaty.

I said I saw nothing to which we could object in the proposed arrangement between Russia, Germany, and Sweden if, as I understood, it was for the maintenance of the "status quo" and did not relate to any closing or neutralising of the Baltic, and had as a consequence the maintenance of the Baltic as an open sea for navigation.

I had, therefore, thought it better to say at once that we had no desire except to see the "status quo" maintained, and that there seemed nothing in the arrangement to which we could take exception.

M. Cambon asked whether I had expressed this view to the Russian Government. And I said I had done so, and also to the German Government.

But I told M. Cambon that I thought his Government and ours should make a point of seeing the terms of the proposed arrangement before we consented to the abrogation of the Aland Islands Treaty. I was not sure what form the new arrangement would take, but I rather thought it would consist in three separate Notes exchanged by Russia, Germany, and Sweden.

M. Cambon asked what the effect would be in case of a war between England and Germany of an arrangement about the "status quo" in the Baltic. If, for instance, we were to enter the Baltic and attack German territory there, would that be a breach of the "status quo" which Russia would be bound by the proposed arrangement to oppose?

I thought clearly not. If, after the war was over, we were to attempt to annex territory in the Baltic district, that might be a violation of the "status quo." But if Russia permitted Germany to go to war, which was in itself a sort of disturbance of the "status quo" she could not object to the other belligerent carrying war into the Baltic too, the information given to us being that the proposed arrangement did not involve the closing or neutralising of the Baltic.

[I am, &c.

E. G[REY].

⁽¹⁾ [v. *Gooch & Temperley*, Vol. VII, pp. 32-4, Nos. 39-41.]

Sir Edward Grey to Count de Salis.

F.O. 371/338.

40665/20160/07/18.

(No. 372.) Very Confidential.

Sir,

Foreign Office, December 9, 1907.

I told Count Metternich to-day that I had not attempted to communicate with the Prime Minister in connection with the information which he had given me about the Baltic and the North Sea, as I assumed there was no desire to begin negotiations of any kind at this moment.⁽¹⁾

I had nothing new to say about the Baltic arrangement. It seemed to me that Germany, Russia, and Sweden were within their rights in coming to an agreement as to the maintenance of the "status quo." There was nothing in such an arrangement to which we could take exception, and I might tell him without any "arrière-pensée" that we did not object to it, or regard it as likely to make difficulties between us.

We had, however, quite lately been discussing the abrogation of the Treaty of Integrity with Sweden to which France and ourselves were parties. And in the summer the question of our Treaty as to the Aland Islands had been raised. I had then observed that, though these Treaties might no longer correspond to the political situation of the present day, yet the formal abrogation of such Treaties was a delicate matter, and was sure to give rise to public discussion, and to start various questions.

I had, therefore, said to France that, before formally abrogating these, it would be desirable to know what general arrangement there was to be in future with regard to the Baltic.

For these reasons it was essential that we should be able to discuss the new proposed agreement with the French Government. I understood that the Russian Government had now made a communication to them.

Count Metternich said that, after his conversation with me, the German Government had asked the Russians to communicate with the French.

I then spoke about the proposed North Sea Convention. I said that, at first, I had not seen much object in it, but I had been struck by Count Metternich's suggestion that it might remove the suspicions which might be entertained in some quarters with regard to German designs on Holland. We had not attributed such designs to Germany. But they had, no doubt, been discussed in some organs of the press, and anything which put an end to the suspicions would have a beneficial effect.

Count Metternich said that this had been merely an incidental remark of his, and must not be regarded as the main object or motive of the proposed arrangement.

I told him I quite understood this was so. I had been considering what the scope of any such arrangement ought to be, and it seemed to me that France ought certainly to be included.

Count Metternich observed that France was not one of the Powers that had territory on the North Sea: to which I demurred, and on Count Metternich's suggestion we referred to the map. I pointed out that French territory extended slightly to the east of the Straits of Dover. But Count Metternich objected to the idea that the Straits of Dover were part of the North Sea. He considered them as part of "La Manche."

I said that an arrangement about the North Sea that did not include the Straits of Dover would be very incomplete. If the North Sea was to be open to navigation, the question of the Straits of Dover became very important. From the strategical point of view, too, the Straits were most important.

⁽¹⁾ [*v. supra*, pp. 137-8, No. 113; also *G.P.* XXIII, II, pp. 506-7.]

Besides this, I thought an arrangement about the North Sea would not have a good effect politically if France were excluded.

Count Metternich said this would undoubtedly be the case if France owned part of the coast of the North Sea; but it had never occurred to him that any part of her territory could be considered as being on the North Sea.

I pointed out that, in the Convention of 1882 for the Police of the North Sea Fisheries,⁽²⁾ to which Germany and we were parties, there was a definition of the limits of the North Sea which included a straight line drawn from Cape Gris Nez in France. This definition therefore included part of the French coast as being on the North Sea.

Count Metternich thought this Convention was solely for fisheries purposes, and France was brought in because French fishing-boats visited the North Sea.

I said that this fishing question in itself gave France a great interest in the North Sea. But, apart from that, the Convention of 1882 said very explicitly that it was defining the limits of the North Sea, and it would be very difficult to explain why the limits of the North Sea should be made more restricted in a subsequent Convention. It seemed to me to be impossible to conclude an arrangement about the North Sea to which France was not a party.

I understood with regard to Norway, whose integrity had just been guaranteed, and with regard to Belgium, whose neutrality was guaranteed, that the other Powers who were guarantors, but not parties to the proposed North Sea Convention, might object to the guaranteed States being asked by some of the other Powers to undertake obligations.

I gathered from what Count Metternich had said that it was suggested Denmark should be a party to the North Sea arrangement, but not to the Baltic arrangement.

Count Metternich said he had not thought of whether Denmark was to be a party to the Baltic arrangement or not. He did not suggest any reason why she should not become a party to it, and thought perhaps that matter still remained to be discussed. He did think, however, that an arrangement for the maintenance of the "status quo" in the Baltic must be all to the advantage of Denmark.

I said that no doubt this was so. But it might raise some question as to "amour propre" if she was made a party to one arrangement and not to the other.

[I have, &c.]

E. G[REY].

MINUTE BY KING EDWARD.

Denmark should certainly be included in Baltic as well as North Sea arrangement or she would have a right to complain being "left out in the cold."

E.R.

(²) [Printed in *B.F.S.P.*, Vol. 73, p. 39.]

No. 119.

Sir Edward Grey to Sir A. Nicolson.

F.O. 371/338.

40655/20160/07/42.

(No. 419.) Confidential.

Sir,

Foreign Office, December 11, 1907.

At the request of the Russian Ambassador, who sent me a message on the 7th inst[ant] to the effect that he had an important communication to make, Sir C. Hardinge proceeded that evening to the Russian Embassy whereupon his Exc[ellenc]y read to him a telegram which he had received from the Russian Min[ister] for Foreign Affairs repeating the information already in the possession of H[is] M[ajesty's] Gov[ernmen]t (see your tel[egram] No. 255 of the

4th inst[ant])(¹) relating to the proposed Baltic agreement, and ending with an expression of the hope that on the conclusion of an arrangement between Russia and Sweden H[is] M[ajesty's] Gov[ernment] would raise no objection to the abrogation of the Treaty of 1856 relating to the Aland Islands.

Sir C. Hardinge spoke to Count Benckendorff in the sense of the tel[egram] which I sent you on the 7th inst[ant] (No. 343)(²) and impressed upon his Exc[ellenc]y that it was advisable that the Russian Gov[ernment] should lose no time in informing the French Gov[ernment] of the negotiations in progress. Count Benckendorff fully concurred in this view, and said he would telegraph accordingly to M. Isvolsky.

Subsequently Count Benckendorff stated that a communication, similar to that made by his Exc[ellenc]y on the 7th inst[ant], had been made confidentially to the French M[inister for] F[oreign] A[ffairs] by the Russian Ch[argé] d'A[ffaires] at Paris.

[I am, &c.
E. GREY.]

(¹) [Not reproduced. *cp. supra*, pp. 138-9, No. 114, and *note* (³).]

(²) [*v. supra*, p. 140, No. 116.]

No. 120.

Sir Edward Grey to Mr. Lister.

F.O. 371/338.

40817/20160/07/17.

(No. 701.)

Sir,

Foreign Office, December 11, 1907.

I told M. Cambon to-day of the explanations which Count Benckendorff had read to me respecting the origin of the Baltic negotiations as far as Russia was concerned, and of the nature of the reply which I had made.⁽¹⁾

M. Cambon dwelt very strongly upon the bad moral effect which would be produced, irrespectively of the contents of the Baltic agreement, especially in France by the fact that Russia, the ally of France, had concluded an arrangement with Germany which must have for its object to strengthen Germany and to turn the Baltic into a German lake. He was, therefore, going to urge his Government to insist that negotiations for the abrogation of the Aland Islands Treaty should be carried on simultaneously with the negotiations between Russia and Sweden, which were not yet concluded, with the object of associating France and England with the new arrangement about the Baltic. He asked me for my opinion on this.

I said I agreed that Russia should be asked to carry on negotiations about the Aland Islands Treaty simultaneously. But it would need a little time to consider exactly in what way we should be associated with any new arrangement.

I told M. Cambon that a new feature in connection with this matter had been that Germany had made confidentially to us a communication on the same day as Russia had communicated with us respecting the Baltic.

I had thought it right to inquire whether France was being informed: to say that France was our partner in the Baltic Treaties: and to impress upon the German Government that we could not carry on discussions about these things, or any negotiations of a similar kind, unless France was a party to them.

[I am, &c.]
E. G[REY].

(¹) [*v. infra*, pp. 154-5, No. 132.]

No. 121.

Mr. Lister to Sir Edward Grey.

F.O. 371/338.
40769/20160/07/17.
(No. 591.)
Sir,

Paris, D. December 11, 1907.
R. December 13, 1907.

In the course of conversation with the Minister for Foreign Affairs to-day, I alluded to your conversation with Monsieur Cambon on the subject of the Russo-Swedish and Russo-German Arrangements with regard to the Baltic.⁽¹⁾

Monsieur Pichon said that he felt convinced that the latter went considerably farther than the maintenance of the status quo in the Baltic: he hoped however very shortly to have more precise information on the subject. In any case he believed that nothing had been signed as yet and that we were still in time. He did not by any means intend to play the game of Germany by quarrelling with Russia over the matter but he would not conceal from me that he was much irritated at her action. He could not appreciate too highly, he said, your attitude, which as usual had been absolutely loyal throughout and he realized that the position of England was a delicate one. The position of France was very different and he was quite determined to speak very clearly to Russia: he was in fact actually doing so.

His idea was to drown these arrangements "à deux" by an arrangement "à quatre," and in view of the fact that England and France already had Treaty obligations in the Baltic and consequently a voice in the matter he did not see how this could be prevented. Sir Francis Bertie had said to him one day that when such a quantity of arrangements were made, they were practically little better than none, and that was exactly the result which he wished to arrive at in the present case. By an arrangement between the Four Powers he hoped to remove the venom ("enlever le vénin") from the arrangements between Russia and Sweden and Russia and Germany.

The whole thing, he said, had of course been manœuvred by Germany, and any concession that had been made by Russia had been extorted from her as a "dédommagement" for the Anglo-Russian Agreement.

I have, &c.

REGINALD LISTER.

MINUTE.

Germany's proposed arrangements in regard to the North Sea and Baltic were evidently devised with the purpose of isolating France from her ally Russia and her friend Great Britain.⁽²⁾ Had she succeeded she would have been able to adopt a high handed attitude towards France, and perhaps compel the latter to follow a German policy.

G. S. S.
W. L.
C. H.
E. G.

⁽¹⁾ [v. *supra*, p. 141, No. 117.]

⁽²⁾ [v. *infra*, pp. 160-1, No. 139.]

No. 122.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

December 11, 1907.

Many thanks for your letter of the 4th⁽²⁾ which I have shown to Grey and which is going on to the King and Prime Minister.

It is a great pity that Isvolsky did not tell us sooner what was going on about the Baltic, as our first definite information came from Metternich and we only

⁽¹⁾ [Carnock MSS., Vol. II of 1907.]

⁽²⁾ [This letter is in the Hardinge MSS. It was found too late for insertion in order of date, and is printed *infra* pp. 722-3, *App.* II.]

received your telegram on the following day.⁽³⁾ I had told both Benckendorff and Poklewsky ten days before that we knew for a fact that negotiations were in progress, and I had hinted the advisability of letting us know about them in good time. The fact that the French Gov[ernment] were only informed three days after you and we had been informed⁽⁴⁾ has unfortunately annoyed the French considerably and has created a good deal of feeling. It was stupid of Isvolsky to do this as the French have the whip hand in the Aland Isl[and]'s question, and neither he nor we can desire any weakening in the Franco-Russian Alliance. We are quite calm over the Baltic question, in what we are assured is its present form, as we do not see in what way our interests can be affected by it. It is very significant that Denmark is omitted, and this together with Raben's failure to extract a promise that Germany will not invade Denmark in the event of war with a third party, shows conclusively that the omission was intentional.

This has been made all the more noticeable by the very clumsy proposal put forward by Metternich that Denmark, Germany, Holland and ourselves should conclude an agreement for the maintenance of the status quo in the North Sea. We said that we had no objection provided that France was included and on Metternich demurring that France was not on the North Sea he was shown a treaty of 1882, signed by Germany amongst others, in which the limits of the North Sea were defined as coming down to Cape Grisnez.⁽⁵⁾ He was fairly taken aback by this, and the latest phase is that Germany would not mind France being included if the agreement were extended to the shores of the Channel. As though we and the French require Germany and other Powers to maintain the status quo on the English and French coasts! We are waiting at present for Metternich to develop his proposals. It is perfectly obvious that the original proposal by which France was to be excluded from the North Sea agreement was a feeble attempt to obtain a new grouping of the Northern Powers. We have not yet told the French of these proposals.

Reverting to the Baltic agreement we shall have to see its text before we commit ourselves in any way by a promise to abrogate the Treaty of 1856. . . .⁽⁶⁾

Yours ever,

CHARLES HARDINGE.

⁽³⁾ [For the conversation with Count Metternich, *v. supra*, pp. 137-8, No. 113. The telegram mentioned is Sir A. Nicolson's No. 255 of December 4, *cp. supra*, p. 139, No. 114, *note* (3).]

⁽⁴⁾ [*cp. supra*, pp. 142-3, No. 118.]

⁽⁵⁾ [*v. supra*, pp. 140-1, Nos. 116-7.]

⁽⁶⁾ [The concluding paragraphs refer to the questions of the Persian frontier and railways which will be dealt with in a later volume.]

No. 123.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/338.

41838/20160/07/42.

(No. 609.) Confidential.

Sir,

St. Petersburg, D. December 11, 1907.

R. December 23, 1907.

Monsieur Isvolsky read to me this afternoon a telegram which he had received from Count Benckendorff which stated that I should have a communication to make in regard to the Baltic: and that His Majesty's Government would take no exception to a Convention which simply had for its object the maintenance of the status quo, as Great Britain naturally had no desire to disturb the existing conditions.

I told his Excellency that I had received a telegram from you corroborating the above,⁽¹⁾ but that I should add that my Government had hoped that they would have been kept informed of negotiations which were passing in respect to the Aland Islands and which were initiated subsequent to the mention of that question in the

⁽¹⁾ [*v. supra*, p. 140, No. 116.]

course of the summer. It was, I said, clear that before proceeding with the abrogation of previous treaties it would be necessary for my Government to have cognizance of the texts of any arrangements which might be concluded concerning the Baltic.

Monsieur Iswolsky replied that no appropriate moment had arisen on which he could make any communication to Great Britain and France. He had understood that our chief objection to the abrogation of the Treaty of 1856 being discussed in the summer was that at that moment it would have been painful to Sweden, and that His Majesty's Government were desirous, if the Aland Islands were brought into discussion, that this should be done in connection with the whole Baltic question at a conference of the interested Powers, Germany included. He thought, therefore, that he could take up the threads by ascertaining from Sweden whether some friendly arrangement between her and Russia could not be arrived at in regard to the Aland Islands; but these discussions had not proceeded far and indeed he had not even prepared a Draft arrangement as to the Islands which he could submit to Sweden. I would, therefore, see that the question had not yet received sufficient shape and form for any communication to be made to London and Paris, as nothing had in reality been settled. He had informed Germany of the course which he proposed to take in respect to approaching Sweden in regard to the Baltic question and he understood that she was prepared to follow a similar line. Germany of course was not a party to the Treaty of 1856, but was interested in the Baltic. The Russian Government, if only as a matter of "amour propre," desired to resume their sovereign rights over the Aland Islands, not for the purpose of establishing a "place forte" there, but as a base and a coaling station for the vessels which patrolled the coasts of Finland for the purpose of preventing contraband in arms. He understood, he continued, that at Paris they were annoyed with the Russian Government for not having kept them informed of what was passing but he had not been made acquainted with the negotiations for the Franco-Spanish agreements, and what, he added, was "sauce for the goose was sauce for the gander."

The explanations of Monsieur Iswolsky seemed to me a little obscure and involved: but he evidently desired that I should understand that he was negotiating with Sweden alone and that these negotiations had advanced but little beyond the preliminary stage. He said nothing as to any understanding between Germany and Russia, apart from what might be concluded with Sweden.

Monsieur Bompard saw Monsieur Iswolsky subsequent to my interview, and he appears, from what he told me, to have dealt chiefly with the fact that Russia had entered into negotiations with Germany and Sweden in regard to the Baltic and also in respect to a Treaty to which France was a party, without giving any information to the French Government. Monsieur Bompard pointed out that the case of Spain was by no means analogous. In 1903 France had approached Russia with the object of securing her participation in an arrangement with Spain;⁽¹⁾ and on that occasion Russia had declined on the ground that Spain was quite outside of Russian interests, and that she was too far distant for Russia to take any concern in matters affecting her position. The Baltic, on the contrary, even apart from Treaties, was of great interest to France especially as it formed the maritime communication between her and her ally Russia. Monsieur Iswolsky appears to have spoken with Monsieur Bompard much in the same sense as he did to me, though he denied that he had any understanding direct with Germany. As to this latter point my French colleague is convinced that the Russian Government had not disclosed, and probably will not disclose, what has in reality taken place.⁽²⁾

I have, &c.

A. NICOLSON.

⁽¹⁾ [*cn. D.D.F., 2^{me} Sér., III, pp. 76-9, No. 58, and pp. 192-8, No. 144.*]

⁽²⁾ [The contents of this despatch were summarised very briefly in Tel. No. 260 of December 11, received the same day.]

No. 124.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/338.
40768/20160/07/42.
Tel. (No. 262.)

St. Petersburg, December 12, 1907.

D. 8·15 P.M.
R. 10 P.M.

Danish Minister, who has just returned here from leave, saw Minister for Foreign Affairs yesterday, and asked him what was taking place in regard to Baltic.

Minister for Foreign Affairs gave him much the same information as he had communicated to London, and answered him that nothing was being done which in any way affected Danish interests. He denied that any negotiations were proceeding between Germany and Russia direct, though each Power kept the other informed as to the course of the respective negotiations with Sweden.

Danish Minister told Minister for Foreign Affairs that he could not understand his explanations, and latter admitted it was difficult to render them intelligible without disclosing all details, which he was not at liberty to do at present.

Danish Minister was under impression from what he had learnt at Berlin, on his way through, that German Minister for Foreign Affairs had stated that direct discussions were passing between Berlin and St. Petersburg. He considers the whole matter very confused and mysterious. He begged me to treat what he said as confidential, and that his name should not be mentioned.

MINUTE BY KING EDWARD.

*The Danish Minister has every reason to be annoyed and mystified!**E.R.*

MINUTES.

The idea that Russia and Germany are negotiating direct is borne out by what Count Metternich told Sir E. Grey on Dec[ember] 4 (see last sentence of para[graph] 2 of No. 366⁽¹⁾ to Berlin).

G. S. S.

They are apparently each negotiating an Agreement with Sweden and discussing the terms with one another but not negotiating an [*sic*] Russo-German Agreement. But this does not agree with the information the French have (see Mr. Lister's No. 591).⁽²⁾

W. L.

The information contained in M. Isvolsky's desp[atch] to C[oun]t Benckendorff was so definite as to the parties to and the scope of the negotiations that there can hardly be any doubt on these points.

C. H.

I imagine that Germany and Russia came to an agreement with each other as to the form and substance of the notes which they should each exchange with Sweden; but that Russia is having difficulties in arranging with Sweden because of the Aland Islands, a complication which does not exist in the case of Germany and Sweden. Germany's part is therefore settled, she has agreed with Russia what the note between Germany and Sweden should be, and there is no complication between Sweden and Germany, but Germany is waiting till Russia can settle the Aland Island difficulty with Sweden. I think this hypothesis would reconcile the different accounts. There is nothing to be signed between Russia and Germany, but they have agreed between themselves what each is to sign with Sweden.

E. G.

⁽¹⁾ [*v. supra*, pp. 137-8, No. 113.]⁽²⁾ [*v. supra*, p. 145, No. 121.]

No. 125.

Sir Edward Grey to Count de Salis.

F.O. 371/263.
40933/40932/07/18.
(No. 375.)

Sir,

Foreign Office, December 12, 1907.

Count Metternich told me to-day that instructions had been sent to the German Ambassador at Paris to tell the French Government of the proposal about the North Sea.

I said I had heard that the French Ambassador at Berlin had already been told about the proposal by Herr von Schön.

Count Metternich asked me what the view of the French Government was.

I told him that I had heard nothing beyond the fact that they had been informed, because, as Count Metternich had asked me to regard the communication as confidential, and had at the dinner at the German Embassy last Tuesday requested me not to say anything about it till he had seen me again, I had not yet mentioned it to M. Cambon here.

We then went on to talk about the question generally, and I told Count Metternich that I must discuss it with my Colleagues on the Prime Minister's return in January.

Count Metternich observed that he was sure the Prime Minister would be favourable to it, as it was obviously in the interests of peace.

I said it was not the principle of the proposal that we should have to discuss, but rather the best form which such an arrangement could take. When the question of the Aland Islands was raised in the summer I had remarked upon the difficulty of dealing with the question of the Baltic piecemeal. Germany and Russia were now making an arrangement about the Baltic. This was to be followed by an arrangement about the North Sea to which other parties would be joined. It would be desirable that the questions affecting the whole of this region should be looked at as a whole, and I asked Count Metternich whether he had seen two articles in "The Times" recently by Lucien Wolf on the subject.⁽¹⁾ We had had nothing to do with those articles: indeed I had not known of them until some time after they appeared. Count Metternich would see in these articles how all the questions were discussed as one large Northern Question. What I desired, therefore, was time to consider all the aspects of what was a large question, so that any arrangement which was made should be as complete and reassuring as possible.

Count Metternich observed that, if Sweden was guaranteed by her two great neighbours; if Denmark was also assured on both sides; and if Holland too was included, the effect of the arrangements would be complete.

I asked Count Metternich whether the German idea was a promise to maintain integrity, or a promise to respect integrity. And in answer to a question from him I pointed out that a promise to maintain integrity might in certain circumstances entail a positive obligation, whereas a promise to respect integrity could be only a negative obligation.

Count Metternich said that the German proposal was to maintain the *status quo*.

We had some further discussion as to whether France could be regarded as a North Sea Power, Count Metternich arguing that French territory did not extend beyond the Straits of Dover, and that the Straits were part of the English Channel, or at any rate not part of the North Sea.⁽²⁾

I said it seemed to me that the line drawn in the North Sea Fisheries Convention across the Straits of Dover, starting from Cape Gris Nez, was the natural line for separating on the map the English Channel from the North Sea; and that

(1) [*The Times*, December 3, 1907, p. 4; December 9, 1907, p. 8.]

(2) [*v. G.P.* XXIII, II, pp. 509-10.]

the part of the Straits on one side of that line was in the North Sea, and the part on the other side in the English Channel.

Count Metternich held, however, that in order to bring France into the arrangement it would be desirable to have something said about the English Channel.

I said I was afraid public opinion here would be rather sensitive as to bringing other Powers besides France and England into the question of the English Channel.

Count Metternich adhered to his point as to the difficulty of admitting that France could be regarded as a North Sea Power; but repeated that Germany was quite disposed to agree that she should be a party to whatever arrangement was made.

I told him again that it seemed to me somewhat difficult to give a reason for defining the North Sea in an arrangement subsequent to the North Sea Convention differently from the way in which it had been defined by that Convention. I pointed out, further, that France was already one of the four Powers guaranteeing Norway. It would, therefore, be impossible to conclude an arrangement affecting Denmark and Holland, which were nearer to France than Norway was, without her being a party to it.

[I have, &c.]
E. G[REY].

No. 126.

Count de Salis to Sir Edward Grey.

F.O. 371/338.

41033/20160/07/18.

(No. 543.)

Sir,

Berlin, D. December 13, 1907.

R. December 16, 1907.

In his telegram No. 259 of the 9th instant,⁽¹⁾ Sir A. Nicolson reported to you that he gathered from the French Ambassador that the proposed new arrangements with regard to the Baltic had not created a favourable impression on his Government. Monsieur Cambon spoke to me this morning, to the effect that the explanations which had so far been given by the Russian Government had been vague, not to say contradictory; the only hold which the British and French Governments had over Russia in the matter was the Treaty with regard to the Aland Islands. He trusted that neither of them would abandon this hold till they were satisfied that they had got to the bottom of what had been passing between Russia and Germany on the subject.

I have, &c.

J. DE SALIS.

(¹) [Not reproduced, as its tenour is indicated above.]

No. 127.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/263.

41024/40932/07/08.

Tel. (No. 263.)

St. Petersburg, December 15, 1907.

D. 8.30 P.M.

R. 10 P.M.

French Ambassador has received instructions to inform Russian Minister for Foreign Affairs that German Government have mentioned to French Government their readiness to conclude an arrangement with France, Great Britain, Holland, and Denmark as to 'status quo' in North Sea. The above communication is to be made simply "à titre de renseignement."

French Ambassador will also mention to Minister for Foreign Affairs that German Ambassador at Paris has informed French Government that discussions between Germany and Russia as to Baltic are nearly concluded.⁽¹⁾

(¹) [v. *G.P.* XXIII, II, pp. 511-2.]

No. 128.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/338.
41220/20160/07/18.
Tel. (No. 264.)

St. Petersburg, December 16, 1907.
D. 3·8 P.M.
R. 4 P.M.

My immediately preceding telegram.⁽¹⁾

French Ambassador tells me Minister for foreign Affairs denies that any direct negotiations have taken place between Germany and Russia as to the Baltic. All that has occurred he says is that Russia is discussing matter with Sweden: and that Russia has merely kept Germany informed of progress of her discussions with Sweden.

French Ambassador is convinced that direct negotiations have taken place and are concluded between Germany and Russia in regard to Baltic and the fact of direct discussions seems to have been admitted by German Ambassador at Paris and at London.

(¹) [v. immediately preceding document.]

No. 129.

Sir Edward Grey to Mr. Lister.

F.O. 371/268.
41391/40932/07/17.
(No. 708.)

Foreign Office, December 16, 1907.

Sir,
The French Ambassador called here to-day and read to Sir Charles Hardinge a telegram on the subject of the proposed Baltic and N[orth] Sea Agreements which he had received from M. Pichon.

The message stated that the German Ambassador in Paris had called upon M. Pichon and had informed him of the proposed agreement relating to the North Sea to be concluded between G[reat] Britain, Germany, Holland, Denmark and France, if the French Gov[ernmen]t considered that France was one of the riverain Powers of the North Sea.

M. Pichon replied that the French Gov[ernmen]t certainly regarded themselves as a riverain Power, and that Germany had recognised France as such in the North Sea Fishery Convention of 1882.⁽¹⁾

Prince Radolin intimated that this Agreement would be on the same lines as the Baltic agreement, now under discussion between Germany, Russia and Sweden, of which Russia had initiated the negotiations.

M. Pichon thereupon remarked that, in view of the Treaty of 1856, concluded by G[rea]t Britain and France with regard to the Baltic, no arrangement could be concluded respecting the Baltic in which G[rea]t Britain and France did not take

(¹) [Printed in *B.F.S.P.*, Vol. 73, p. 39.]

part, and that it would be necessary that these two Powers should be introduced into the negotiations.

Prince Radolin promised to inform his Government of what M. Pichon had said to him.

[I am, &c.
E. GREY.]

No. 130.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/338.

41844/20160/07/42.

(No. 615.) Confidential.

St. Petersburg, D. December 16, 1907.

Sir,

R. December 23, 1907.

M. Bompard spoke to M. Iswolsky yesterday on the subject of the discussions which were passing on the subject of the Baltic, and informed His Excellency that Prince Radolin had stated to M. Pichon that the negotiations between the German and Russian Governments were almost terminated. The French Government were of opinion that they should have been informed of the discussion so that they might judge whether, and in what manner, they could take part in an arrangement to which Sweden was a party and which affected the Aland Islands. M. Iswolsky replied that there were no negotiations, strictly speaking, between Germany and Russia as to the Baltic. He read to M. Bompard a despatch which he had addressed to Count Benckendorff, and which had been communicated verbally to the Cabinets of London and Paris.⁽¹⁾ From this he could see that Russia was discussing matters with Sweden, and that Germany was following the same course, each Power keeping the other informed of the progress of their respective discussions. In short, if he might so express it, there was an angular and not a triangular negotiation in progress: but nothing direct between Germany and Russia. He had mentioned to Germany the fact of his having opened up discussions with Sweden, and at Berlin they had thought that it would be well if they adopted the same course—that was all: and he could not quite understand why France should apparently consider herself overlooked by the Russian Government not having informed her of what was passing. He had consulted with Germany because that Power was a riverain owner in the Baltic, while France was not.

M. Bompard replied that the Franco-Russian alliance had for its basis the mutual assistance to be afforded in the event of German aggression, and it was, therefore, clear that if France became involved in a war with Germany, and found it necessary to attack the Baltic coasts of that Power, a disturbance of the status quo would ensue. Now it was this status quo which Russia wished to guarantee in conjunction with Germany. It seemed, therefore, obvious that Russia should have informed France of her intentions, which, if realized, might in certain eventualities affect the alliance.

M. Iswolsky repeated that there were no negotiations with Germany as to the status quo in the Baltic, but merely separate and parallel discussions on the part of Germany and Russia with Sweden, in which of course the Aland Islands formed an important factor. His Excellency added that the attitude of France would hamper his discussion with Sweden: and he contrasted it with the friendly and amicable manner in which Great Britain had received the notification that Russia was treating with Sweden.

I told M. Bompard that in regard to this point, Count Benckendorff had been informed in London, and I had stated the same to M. Iswolsky, that *per se* we had no objection to an arrangement simply guaranteeing the maintenance of the status quo in the Baltic, but that, while expressing a little surprise that we had not been informed earlier of the discussion, we had said that we could not proceed

(¹) [*v. supra*, pp. 143-4, No. 119.]

to the abrogation of the 1856 Treaty before we had cognizance of the texts of the arrangements which might be concluded.

M. Bompard still maintains that he knows as a fact that Russia initiated the whole question with Berlin, and that direct negotiations for an understanding have been passing and an arrangement concluded between Germany and Russia.⁽²⁾ The statements of the German Ambassadors in London⁽³⁾ and Paris practically confirm this view. He is therefore at a loss to understand why M. Iswolsky persists in denying this. Sweden, he says, was brought into the combination later, and it is quite likely that matters between her and Russia have not yet been settled.

M. Iswolsky spoke briefly to me this afternoon on the subject: and said that he was much gratified with the reception which had been accorded to his Communication in London. I observed that I understood that my Government reserved their action as to the Aland Islands until they were in possession of the texts of any arrangements concerning the Baltic. I presumed that when he had settled matters with Sweden he would address himself to London and Paris: and the Cabinets would decide in what light they would regard the arrangements which might be concluded. I did not quite see how the Aland Islands could be a question of interest to Germany who was not a party to the 1856 Treaty. M. Iswolsky said that he knew there had been anxiety lest Sweden, in her disappointment, should throw herself into the arms of Germany: and to forestall this he had opened up negotiations with Sweden. He had been compelled to keep Germany informed of what was passing as, being one of the Baltic Powers, she might, if left outside have created difficulties. France and England were not Baltic Powers. I remarked that though we are not littoral Powers we had great interest in the Baltic and were Treaty Powers in certain questions concerning the Baltic. Perhaps when all was settled both France and England might enter into the arrangements which were being discussed. I threw this out, I said, merely as a personal view. But in any case he would doubtless give us full information before long. M. Iswolsky said that Sweden strongly objected to any collective guarantee: and he was unable to say when his discussions with Sweden would be concluded, as he was still awaiting a reply from her.

I said nothing to M. Iswolsky as to his negotiations with Germany, as it seemed to me unnecessary to labour that point and it would only, after the conversation of my French colleague with him, have distressed him and led him to repeat afresh his denial that any were in progress. The question is not yet, however, satisfactorily cleared up.

I have, &c.

A. NICOLSON.

(2) [On this point *v. G.P.* XXIII, II, pp. 505-7.]

(3) [Marginal comment by Mr. Langley: "Not so, I think. W. L."]

No. 131.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/263.

41845/40932/07/18.

(No. 616.) Confidential.

Sir,

St. Petersburg, D. December 16, 1907.

R. December 23, 1907.

M. Bompard informed me yesterday that he had received instructions to acquaint M. Iswolsky that the German Government had approached the French Government in order to ascertain if the latter would be willing to enter into an arrangement for the maintenance of the status quo in the North Sea in conjunction with Great Britain, Holland, and Denmark. The French Government desired to give the Russian Government confidential information as to this step on the part of Germany so as to show that they wished to keep their ally fully informed on all matters of interest.

Monsieur Iswolsky told Monsieur Bompard that he had heard rumours of some such project being contemplated, and inquired why Belgium and Norway had been omitted from the combination. Monsieur Bompard had replied that, in his opinion, it had not been considered necessary to include Belgium as her neutrality was already guaranteed, while Norway had recently concluded a Convention which assured her integrity. The French Ambassador had added that this was only his personal opinion, as his Government had given no explanations on the subject. Monsieur Iswolsky further remarked that Denmark had coasts in the North Sea and in the Baltic: and appeared to think that as Russia had been in 1831 one of the parties to the guarantee of the neutrality of Belgium she might have an interest in the maintenance of the status quo in the North Sea. He did not, however press this point, but observed that he would like to think over the communication which Monsieur Bompard had been good enough to make to him before expressing any opinion on it.

I have, &c.

A. NICOLSON.

No. 132.

Sir Edward Grey to Sir A. Nicolson.

F.O. 371/338.

40609/20160/07/42.

(No. 428.)

Sir,

Foreign Office, December 17, 1907.

The Russian Ambassador called here on the 10th instant and read to me, under instructions from his Government, a despatch which he had received from M. Iswolsky supplementing the information on the subject of the proposed Baltic agreement contained in the telegram referred to in my despatch No. 419 of the 11th instant.⁽¹⁾

M. Iswolsky commenced by an explanation of the origin of the negotiations between Russia, Germany and Sweden. He recalled the fact that, when in June last the Russian Government communicated to the other Powers concerned the draft treaty prepared at St. Petersburg for guaranteeing the integrity of Norway, they had raised the question of the abrogation of the Convention of March 30, 1856 concerning the Aland Islands which the Imperial Government considered to be entirely out of harmony with the existing international situation.

H[is] M[ajesty's] Gov[ernment] had then raised no objection of principle to the action of the Russian Gov[ernment], though they made it clear that the abrogation of the convention in question must depend upon the offer of adequate guarantees to Sweden, who, it was foreseen, would consider her interests prejudiced by the altered position conferred upon Norway and the prospective abrogation of the two obsolete treaties of 1855 and 1856.

The Russian Gov[ernment] thereupon, in order not to delay the signature of the Norwegian treaty by making it dependent upon the abrogation of the Convention of 1856, had hastened to declare that they were prepared to postpone the discussion of their proposal until a later and more favourable opportunity.

In abstaining thus for the time from pressing for the abrogation of the Convention, the Imperial Gov[ernment] had been inspired by the desire not only of facilitating the conclusion of the Norwegian treaty, but also of giving a proof of their good intentions with regard to Sweden by demonstrating their unwillingness to aggravate the situation of the latter country by endeavouring to regain their full sovereign rights over the Aland Islands.

In view of the fact that the position of Sweden was a matter of no less interest to the other Baltic Great Power than it was to Russia, the Imperial Gov[ernment]

⁽¹⁾ [*v. supra*, pp. 143-4, No. 119.]

had recognised that no satisfactory solution of the above questions was possible without an exchange of views taking place with the German Gov[ernmen]t. This exchange of views had been carried into effect during last summer and the Russian Gov[ernmen]t had then reached the conclusion that the object at which they aimed could best be attained by an exchange of notes between Sweden and Russia, and Sweden and Germany, on the lines of those signed in the spring of this year between Great Britain, France, and Spain.⁽²⁾ These declarations would not have as their aim the closing or neutralisation of the Baltic, but solely the maintenance of the existing territorial status quo, and their effect, according to M. Isvolsky's view, would be to inspire Sweden with a feeling of security which would enable her to contemplate without anxiety the revocation of the restrictive clauses relating to the Aland Islands.

Negotiations which, according to M. Isvolsky's information, could not in any case go beyond the object which the Russian Gov[ernmen]t themselves had in view, were at the present moment actually proceeding between Sweden and Germany.

M. Isvolsky, in concluding his despatch, expressed the hope that, now that the true nature of the proposed agreement had been made clear, H[is] M[ajesty's] Gov[ernmen]t would recognise that the Russian Gov[ernmen]t had no desire to take any step inimical to British interests and that, if an arrangement on the basis explained should be successfully concluded with Sweden, no further objections would be raised to the formal abrogation of the Convention of March 30, 1856.

I replied to Count Benckendorff that M. Isvolsky was justified in assuming that an arrangement of this kind would not give rise to objections on our part. We had no desire whatever to disturb the "status quo" in the Baltic, and therefore any arrangement between other Powers for its preservation, which did not involve any closing or neutralisation of the Baltic and would keep it open, could not be disagreeable to us.

But the manner in which the negotiations had been carried on had not produced a favourable impression. When the Aland Islands Treaty was under discussion in the summer I had suggested that, while of course, the Treaty did not correspond with the present political situation, it would all the same be desirable to know what the general arrangements about the Baltic were to be before abrogating the Treaty. It was, therefore, surprising that we should have heard nothing more till matters had gone so far.

We were not disposed to make any objections to the form of the arrangement about the Baltic, provided the substance was satisfactory. It would, however, be necessary for us to see the text of any proposed arrangement before we proceeded to the abrogation of the Treaties we now had with regard to the Baltic.⁽³⁾

[I am, &c.]

E. G[REY].

⁽²⁾ [*v. Gooch & Temperley*, Vol. VII, pp. 32-4, Nos. 39-41.]

⁽³⁾ [This was telegraphed very briefly to Sir A. Nicolson as Tel. No. 347 of December 10.]

No. 133.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

Foreign Office, December 24, 1907.

Very many thanks for your interesting letter of the 18th⁽²⁾ which I am sending on to Grey and the King.

I am not at all of the opinion that Isvolsky has been deceiving us over the Baltic question. My opinion is that, being in reality without experience of "les grandes affaires" he made the mistake of opening negotiations with Sweden and Germany without informing us and France merely because it had not occurred to

⁽¹⁾ [Carnock MSS., Vol. II of 1907.]

⁽²⁾ [This letter has not been traced.]

him that it was necessary to do so. However if anything is signed relating to the Baltic, it is quite certain that we and France hold the whiphand over Russia in the question of the Aland Isl[and]s. The French are stupid and would, to satisfy their petty amour propre, like Isvolsky to fall and Mouraviev from Rome to take his place. I should be extremely sorry to see this and would regard any change at the Min[istr]y for F[oreign] A[ffairs] at St. P[etersburgh] a disaster for us. . . .⁽³⁾
Wishing you all a Happy New Year.

Y[ou]rs ever,
CHARLES HARDINGE.

⁽³⁾ [The remaining paragraphs are concerned with affairs in Persia, and the Bagdad Railway question.]

No. 134.

Sir F. Bertie to Sir Edward Grey.

Private & Secret.⁽¹⁾
My dear Grey,

Paris, December 25, 1907.

At Clemenceau's request I called on him this morning. He said that he had asked me to come and see him in consequence of a report from Geoffray of some observations made to him by Hardinge in regard to a conversation which he (Clémenceau) had had with Lister. He wanted to know what it was that had alarmed you in what he had said and which Hardinge had told Geoffray could not be concurred in by His Majesty's Government. He well remembered everything that he had said and he could not for the life of him think what it could be. What he might choose to do as regards France's Ally Russia was a matter for consideration and decision by the French Government. I interrupted him by saying that this you freely admitted. What I thought had alarmed you was his statement that the negotiations which had been carried on between Russia and Germany and which he had taken steps at Petersburg to render abortive had brought France and Germany a step nearer to war.

Clémenceau said that Lister must have misunderstood him. What he had stated was that the German Emperor having failed to make an Agreement with England without the participation of France if he also failed to make one with Russia without France could not be expected to be pleased at two such 'échecs' and his irritability and his "esprit guerrier" would consequently be accentuated which would be a danger to peace; but he had never for a moment intended to convey the idea that he (Clemenceau) and the French Government would become "guerriers." He would never do anything even the slightest thing which could be considered as a step towards a war with Germany for he knew well that the very existence of France would in such case be at stake. As a proof of his anxiety to avoid any incident he reminded me that when some months ago General Bailloud had issued a general order in which he had referred to the lost provinces and the possibility of war for their recovery he had within 48 hours transferred the General from the Franco-German frontier to Montpellier.

As to the Franco-Russian Alliance he did not, he said, wish to do anything to impair it. On the contrary he was and always had been in favour of its maintenance and he had constantly advocated its advantages in the Press long before he was in Office. What he objected to was the position in which former French Ministries had allowed Russia to place France viz at her beck and call (à la remorque). What he desires and intends is that the two Powers shall be on an equality in the Alliance. In the present case of the Baltic, Russia acted behind and without consideration for the interests of her ally and she must be brought to realize that such a policy cannot be tolerated by France.

⁽¹⁾ [Carnock MSS., Vol. II of 1907.]

With regard to Germany he had made no remonstrances to her as to her conduct and he had not done anything of which she could complain.

Clémenceau then said that as we were on the topic of policies and objection had been taken to what had been conceived to be his views, he would make free to ask me to tell you that he considers it to be a grave error for England to rely entirely on her ships. The day may and probably will come perhaps soon or in the course of years ten or even twenty years hence when it will be essential for the welfare of England and of Europe that She should have a respectable military force for operations on the Continent. The present relations between France England Spain and Italy also he hoped are obstacles to war but it may come notwithstanding their wishes and at such time ability of England to take part in military operations on the Continent would be a great factor.⁽²⁾

[Yours sincerely,
FRANCIS BERTIE.]

⁽²⁾ [A further private letter from Sir F. Bertie of December 26 stated that the above record, and that included in his letter of December 23 (which has not been identified), had been shown to M. Clemenceau and that the latter considered that it reproduced correctly what he wished to be said. *v. also supra*, p. 140, No. 115, *note* ⁽²⁾. No official despatches can be found referring to Mr. Lister's conversation, but his private letter to Mr. Tyrrell of December 27 (Grey MSS., Vol. II) reinforces his previous account. A memorandum by Sir F. Bertie of May 10, 1908, summarises the matter again, and says "what exactly was said by the latter" (*i.e.*, M. Clemenceau to Mr. Lister on December 12, 1907) "is matter of dispute." (F.O. 371/529, 17749/91/08/42.) *v. also supra*, p. 140, No. 115, and *note* ⁽²⁾.]

No. 135.

Sir F. Bertie to Sir C. Hardinge.⁽¹⁾

My dear Charlie,

Paris, December 28, 1907.

Private and Secret.

I reply to your letter of the 25th received today.⁽²⁾

I take position as regards Baltic question to be as follows:—

You (the Foreign Office) believe that whatever negotiations there may have been between Germany and Sweden and between Russia and Sweden have only for object maintenance of status quo: that there has been only an exchange of views between Russia and Germany in regard to those negotiations, and that nothing has been signed or concluded either between Russia and Sweden or between Germany and Sweden or between Russia and Germany.

The French Government (alias M. Clémenceau) state that they do not know what the negotiations have been between Germany and Sweden and between Russia and Sweden: but they have written proof (German) that the negotiations between Russia and Germany were initiated by Isvolski and resulted in an agreement (unsigned) and that it went beyond maintenance of status quo and that it contained secret clauses.

I have no information as to the purport of the secret clauses. The provisions beyond the maintenance of the status quo may be in them and not in the other part of the unsigned agreement.

As to the German written proof I do not think that the French Government have any such proof that they can *produce* to the Russian Government. They have got a statement made by M. Schoen to M. Jules Cambon and reported by the latter to the French Gov[ernmen]t to the effect that Baltic negotiations were initiated by Russian Gov[ernmen]t. This however would not be German written proof. What I believe French Government have probably got is a German official document—it may be only a copy or a photograph—showing that negotiations were initiated by

⁽¹⁾ [Grey MSS., Vol. 11.]

⁽²⁾ [This letter has not been traced.]

M. Isvolski and that they went beyond maintenance of status quo. Such proof they naturally could not produce to the Russian Government.

I am sending this in cypher under cover to the Private Secretary so that contents may be forwarded to you and a copy be sent to Sir E. Grey.

Yours ever,
FRANCIS BERTIE.

No. 136.

Sir Edward Grey to Sir F. Bertie.

Private.⁽¹⁾

My dear Bertie,

December 29, 1907.

I perfectly understand M. Clémenceau's attitude as regards Russia in the Baltic Question, and I never for a moment thought of deprecating anything which the French might think it necessary to say to Russia as to the obligations of the Alliance between France and Russia, which is entirely their own affair.

I am naturally anxious to see matters go smoothly between France and Russia, just as France wishes to see them go smoothly between England and Russia, towards which by-the-way the French Minister at Teheran has materially contributed lately, as Marling has gratefully acknowledged. But I should not think of interfering in anything which concerned the Franco-Russian Alliance.

If, however, Germany wishes to make Agreements about the Baltic which are in themselves harmless, I do not want to make a grievance with her about it, or affront her by upsetting the German apple cart for the sake of "amour-propre." It may very well be that all Germany desires is to gratify her "amour-propre" by appearing before the world as a party to some Agreements of the kind which are in vogue, and so demonstrating that she is not isolated.

On the other hand, it is possible that there is something going on with Germany and Russia behind the scenes about the Baltic, which goes further than we have been told. I am, therefore, quite willing to make it a condition of the abrogation of the Aland Island Treaty that Russia should make a clean breast.

It occurs to me as a possible solution that we should, in abrogating the Aland Islands Treaty, declare ourselves cognizant of Russia's Agreement with Sweden (and with Germany if she has one) and in some way associate ourselves with the objects of them, if these objects are such as we too can cordially endorse as our own also.

In declaring the Treaty guaranteeing Sweden to be abrogated we might also take some such course with Sweden. In this way we should wind up the affair without upsetting what Germany has done, but Russia would have had her lesson and it would appear to the world that France and England had not been ignored. You can explain this to M. Clémenceau, if you think it desirable.

The suggestions contained in my letter are only tentative and if it turns out that there is anything afoot for closing the Baltic, or anything which we do not yet know, I should reconsider our attitude.

Yours sincerely,
E. GREY.

(1) [Carnock MSS., Vol. II of 1907.]

No. 137.

*Sir C. Hardinge to Sir A. Nicolson.*Private.⁽¹⁾

My dear Nico,

January 7, 1908.

Many thanks for your letter of the 2nd.⁽²⁾

I entirely agree with you as to the satisfactory manner in which Isvolsky is cooperating with us in Persia and there is no doubt that, as with France, Germany is driving Russia into our arms. The German Ch[argé] d'Aff[aires] at Tehran could hardly play our game better even if he tried. Grey was very angry and wished to make strong representations at Berlin, but I have tried to dissuade him as I think it is more dignified on our part to ignore his proceedings. I have not yet heard his decision. Anyhow all we have to do is to play the game quite straightly with Russia in Persia and we ought to have her entirely with us not only in Asia but in Europe also. I will bear in mind what you say as to the advisability of showing ourselves appreciative of Russia and if we can only develop the North Sea Agreement into one of wider scope in which we could bring her in you may rest assured that we will do so. We have always been in favour of treating the Baltic and North Sea questions as a whole, and I think that the opportunity for doing so may yet present itself when Germany makes another step forward in the North Sea question, especially if the Baltic agreement falls through as now seems more than likely. . . .⁽³⁾

Y[ou]rs ever,
CHARLES HARDINGE.

(1) [Carnock MSS. of 1908.]

(2) [This letter is in the Hardinge MSS. It was found too late for insertion in order of date, and is printed *infra*, pp. 723-4, *App.* II.]

(3) [The remainder of the letter deals with subjects not relevant to this volume.]

No. 138.

*Sir A. Nicolson to Sir Edward Grey.*Private.⁽¹⁾

My dear Grey,

St. Petersburg, January 16, 1908.

I am much obliged to you for your letter of Dec[ember] 25,⁽²⁾ and for a copy of your letter to Bertie, which Tyrrell sent to me by your wish.⁽³⁾ From what Bompard tells me, Isvolsky is vexed and also perturbed by the line which Germany is following, both in regard to wishing to introduce Denmark into the Baltic arrangement, and by having suddenly proposed a North Sea arrangement. He appears to fear that matters are becoming too much involved and complicated, and he may regret that he ever embarked on a Baltic cruise with so impetuous and erratic a shipmate. He has endeavoured to postpone taking action on the proposal as to Denmark by informing the British and French Gov[ernmen]ts, and returning rather a vague reply to the German suggestion, and, in the meantime, he plods along with his discussions with Sweden.

The Swedish Minister told me the day before yesterday that his Gov[ernmen]t were much opposed to any alteration being made in the conditions attached to Russian sovereignty over the Aland Islands, and that Russia, hitherto, had offered no satisfactory equivalent for Sweden abandoning her present position towards the question. He asked me point blank whether my Gov[ernmen]t would maintain their former attitude in respect to the Aland Islands. This was rather an embarrassing query, and I merely said that much would depend on the form and the manner in which the question would be presented to us.

(1) [Grey MSS., Vol. 34.]

(2) [Not reproduced. It is in Grey MSS., Vol. 33. It refers to the question of the Aland Islands, but adds little to the information on that subject.]

(3) [This letter has not been traced.]

I have written two despatches as to Bompard's conversation with Isvolsky on the Baltic and North Sea questions. It will be an error if the French press too hardly on Iswolsky for any fault of form or make too much fuss in regard to his having conducted negotiations without informing them. The difficulty is that the French are evidently convinced that some secret arrangement exists between Germany and Russia—they do not seem to care much as to what Russia may do with Sweden. As we do not know their "proofs" it is impossible for us to form an opinion; but personally I doubt if Iswolsky has gone very far with Germany, and I feel pretty sure that now he will not go further than he may have done. He is much annoyed with Germany over several matters, and thinks that she has not treated him well in the Baltic and North Sea questions. At the same time he considers that France has hitched his Swedish negotiations, and his disposition towards Paris, never a very friendly one, has not improved. In the midst of his perplexities and disappointments, Iswolsky is disposed to turn more and more to us. . . .⁽⁴⁾

Yours sincerely,
A. NICOLSON.

⁽⁴⁾ [The last paragraph is entirely personal.]

No. 139.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

Foreign Office, January 21, 1908.

I have read your desp[atche]s about the Baltic with great interest.

Isvolsky has not much imagination in thinking that the North Sea agreement was suggested by the Emperor in order to please us. We do not want it at all, though we cannot refuse to go into it, if the Germans persist. The Emperor's idea was to conclude an agreement about the Baltic with Russia (France's ally) and about the North Sea with England (France's friend) and then to turn to the French and point out how they had been left by England and Russia, and that their only course to save themselves from a position of isolation would be to make terms with Germany.⁽²⁾ We frustrated this at once as regards the North Sea for which the French are deeply grateful, but Isvolsky did not tell either you or Bompard about the Baltic agreement until after Metternich had informed us, and consequently the French are angry. In this Isvolsky made a serious mistake. I doubt in fact whether he would have even told you when he did, if I had not told both Poklewsky and Benckendorff that we were perfectly aware of what was going on and that they had much better tell us frankly what it was.

I hear very privately that what has irritated Isvolsky particularly against the Germans is that Schön at the Windsor State banquet told Benckendorff that he had been authorised by the Emperor to tell him that there would be no political discussions during the Emperor's visit to England. This Benckendorff tel[egraphe]d to St. P[etersburgh] and you can imagine his and Isvolsky's surprise when they heard of how the Bagdad R[ailwa]y discussion and North Sea question had been initiated. The fact that Schön told us that discussions on the Bagdad R[ailwa]y had been going on for many months between him and Isvolsky must have been an additional cause of irritation to Isvolsky. All this, however, has done a certain amount of good as I explained yesterday to Cambon. Isvolsky has been annoyed with the Germans in connection with the Baltic and North Sea agreements, with the Bagdad R[ailwa]y and with German schemes in Persia. He will not easily get over these annoyances, and therefore he is a Minister who should be supported

⁽¹⁾ [Carnock MSS. of 1908.]

⁽²⁾ [c*p.* *supra*, p. 145, No. 121, *min.*]

as much as possible by England and France since his tendency will be to lean more and more on us than on Germany. The external and internal weakness of Russia is the only check on this since Russia cannot afford to be on bad terms with Germany. Cambon entirely agreed and I trust that we shall hear no more of such nonsense from Paris as that Isvolsky must go. . . .⁽³⁾

Y[ou]rs ever, .

CHARLES HARDINGE.

⁽³⁾ [The concluding paragraphs refer to the possibility of the appointment of another French Ambassador at St. Petersburg.]

No. 140.

Sir Edward Grey to Sir F. Lascelles.⁽¹⁾

F.O. 371/527.
3042/91/08/42.
(No. 26.)

Sir,

Foreign Office, January 24, 1908.

I told Count Metternich to-day that the Cabinet, in considering the North Sea proposal, had asked questions on various points. I thought I had better explain to him what they were.

One was that it should be clearly understood that the countries parties to the North Sea Agreement retained complete liberty to do what they liked in their own possessions. For instance, the establishment of a new Naval Base by any country in its own territory would not be regarded as a disturbance of the "status quo." I said it seemed to me that this was certainly intended in the proposal, and Count Metternich assumed that it was so.

We had also discussed whether it would not be better to have one Agreement for the whole of the North Sea and Baltic to which all the limitrophe Powers on either should be parties. But we had decided that the point to which we attached real importance was that, if there were to be two arrangements, one for the Baltic and one for the North Sea, the area of each should be so defined that there was no gap between them. In other words, it would be undesirable to have two separate arrangements, which covered the Baltic and the North Sea, but left the passages connecting them unprovided for.

Count Metternich took note of this point, and said that Germany was not in favour of one arrangement for both the North Sea and the Baltic. She considered that an arrangement including so many Powers would be of very little value.

I then explained that we preferred an arrangement for *respecting* Integrity rather than one for *maintaining* it. And, in reply to a statement by Count Metternich that his Government had contemplated the word *maintain*, I explained that what we were prepared to do was to promise to maintain our own possessions and respect those of others; but a general engagement to maintain every one's possessions might be construed as an unqualified obligation to go to war on behalf of each other.

I further said that we were of opinion that the feelings of Belgium might be hurt if she were excluded, and that her position as a neutral could hardly be construed as preventing her from taking an engagement to respect Integrity.

Count Metternich reminded me that some difficulty might arise if Belgium were to take any obligation without the consent of all the Powers which guaranteed her neutrality.

I also said that we should like to be clear as to whether the territorial "status quo" which was contemplated meant only the coast-line, or how much of the possessions of the countries which were limitrophe to the North Sea.

A further legal point had arisen as to whether the "status quo" would be regarded as violated by a voluntary arrangement, such as a purchase or exchange of territory, or only if it was disturbed by force.

⁽¹⁾ [*v. G.P. XXIII, II, pp. 523-5.*]

Count Metternich said he thought it would be difficult to define all these matters in the text of an Agreement. I agreed to this, and said I thought that some of them might be dealt with by an understanding in conversation which could be recorded.

Count Metternich then gave me the German text of a Draft which the German Government had drawn up, and which he said they intended to give to France, Holland, and Denmark also. I promised to consider it.

I informed Count Metternich also that the Swedish Minister had come to see me the other day to make inquiries about the Aland Islands Treaty, in regard to which, as a matter of fact, nothing was being done at the present moment, and had then referred to the reports in the press about the North Sea, and had asked me what was passing.

I had told him that the German Government had made proposals in conversation, but there was as yet nothing in writing, and the matter was under discussion.

The Swedish Minister had then expressed an opinion that the west coast of Sweden was on the North Sea, and that therefore Sweden ought to be a party to the arrangement.

I had asked him whether the views of his Government on this point had been made known to the German Government. I had explained to him that the point to which we attached most importance was that there should be no gap between the definition of the North Sea and the definition of the Baltic; but I had expressed no opinion as to how either should be defined, or as to whether Sweden should be considered to have a coast on the North Sea part.

I am, &c.

E. G[REY].

[ED. NOTE.—The following table shows the German draft given to Sir Edward Grey on January 24, and the British counter-draft prepared before the end of January. Both are in F.O. 371/527. 2806/91/08/18. This counter-draft was handed to Herr von Stumpp on February 10 (F.O. 371/528. 4877/91/08/18):—

Die Kaiserlich Deutsche und die Königlich Grossbritannische Regierung von dem Wunsche geleitet die zwischen ihren Staaten bestehenden Bande guter Nachbarschaft und Freundschaft zu stärken und dadurch zur Sicherung des allgemeinen Friedens beizutragen und in der Ueberzeugung übereinstimmend, dass ihre Politik mit Bezug auf die Gebiete der Nordsee die Aufrechterhaltung des gegenwärtigen territorialen status quo zum Gegenstand hat, erklären, dass sie fest entschlossen sind, die Rechte Seiner Majestät des Deutschen Kaisers und Seiner Majestät des Königs von Grossbritannien und Irland an ihren Besitzungen in jenen Gebieten aufrecht zu erhalten.

Sollte der gegenwärtige territoriale status quo in den Nordseegebieten durch irgendwelche Ereignisse bedroht werden, so werden die die gegenwärtige Erklärung unterzeichnenden beiden Mächte mit einander ins Benehmen treten, um sich über Massnahmen zu verständigen, die sie im Interesse der Aufrechterhaltung des status quo für nützlich halten sollten.

Zur Urkund dessen haben die Unterzeichneten die zu diesem Zweck mit formgerechter Vollmacht versehen sind, die gegenwärtige Erklärung vollzogen und derselben ihr Siegel beigedrückt.

The British, Danish, French, German and Netherlands Governments, animated by the desire, &c. . . . and being convinced that their policy with respect to the regions bordering on the North Sea and the entrances to the Baltic is directed to the maintenance of the territorial status quo, declare that they are firmly resolved to preserve intact the national rights of their respective countries over their possessions in those regions.

Should circumstances arise which in the opinion of any of the above-mentioned Govern[men]ts would threaten the existing territorial status quo in the regions bordering upon the North Sea and the entrances to the Baltic, the Signatory Powers of the present declaration will communicate with each other in order to concert by mutual agreement such measures as they may consider conducive to the maintenance of the status quo.

In witness whereof the undersigned—

In communicating the draft on February 10, Sir Edward Grey stated that "as the entrances to the Baltic were in question it would be reasonable that Sweden should join and we should like it if she did."]

No. 141.

Sir Edward Grey to Sir F. Lascelles.

F.O. 371/528.
3555/91/08/42.
(No. 31.)

Sir, *Foreign Office, January 30, 1908.*

Count Metternich brought me to-day the replies of his Government to the points I had raised⁽¹⁾ in connection with the North Sea Agreement.⁽²⁾

With regard to the first point, that there should be no restriction on the freedom of action of each country in its own territories, the German Government agreed in that view.

As to the question of having a single arrangement for both the North Sea and the Baltic, which we had not pressed, he had already told me that his Government were not favourable to a single arrangement. They agreed, however, that the Baltic began where the North Sea left off, and that there should be no gap between them, and also that the entrances from one to the other should be free. But it would be difficult to arrange this by an exact geographical delimitation.

I said I realised the difficulties of geographical definition. We were agreed as to what we intended, and it might be considered how that intention could be best expressed.

As to the third point I had raised, the difference between the words "maintain" and "respect," Count Metternich said the translation of the German words would be "to preserve intact," which were the words in our Spanish Note.

I told him that in the Spanish Note, Spain and we promised to preserve intact our own possessions: but we took no obligation with regard to each other's possessions, except that we agreed to respect the "status quo," and, if it was threatened, to communicate with each other as to what steps it might be desirable to take. It seemed to me that, in the German proposal, the wording was such that it might be construed to the effect that we were undertaking an obligation, not only to respect, but also to preserve intact German territory, while Germany took a similar obligation with regard to our territory.

Count Metternich said he had been thinking about this point, and trying to find some form of words which would express the meaning I desired. He would like to submit a form to his Government.

We discussed the draft together, and I told him that my meaning could be expressed by some such words as: "H[is] M[ajesty] the German Emperor and H[is] M[ajesty] the King of England declare that each of them is firmly resolved to preserve intact his own rights with regard to his possessions in that region." But these words had seemed to me rather cumbrous, so I had referred to experts in drafting to see whether they could not suggest something better.

With regard to the fourth point, as to the extent of the territory which was contemplated, Count Metternich pointed out that the German Draft made it clear that the proposal applied to the coasts.

I said this was the case, and no doubt the Cabinet would not have raised the point if they had had the Draft before them.

As to Belgium, the German Government thought that, if she were invited to become a party to the Treaty, it might be thought that her guarantee of neutrality had in some way been weakened, and that a new guarantee was therefore being offered.

The last point was as to whether the "status quo" would be disturbed by a voluntary cession or exchange. Count Metternich said the German Government were prepared to leave the matter of voluntary cession as it now stood, or, if need be, to say definitely that the "status quo" would not be disturbed by a voluntary cession.

(1) [v. immediately preceding document.]

(2) [v. G.P. XXIII, II, pp. 526-8.]

I told him an illustration of the point I had in mind would be this: supposing this proposed Agreement had been in existence when we gave Heligoland to Germany, would Germany and England have been bound by the Agreement to inform the other Powers parties to it beforehand?

Finally, I told Count Metternich that we seemed to be in agreement as to what we desired. I was having his Draft translated, and would submit it to the Cabinet with the best suggestions I could make as to meeting the points we had discussed.

I also said I had not yet heard the views of any of the other Governments upon the German Draft, and asked Count Metternich whether his Government had heard from them.

He replied that, so far as he knew, they had not.

[I am, &c.]
E. G[REY].

No. 142.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

Foreign Office, Feb[ruary] 5, 1908.

Many thanks for your letter of the 29th.⁽²⁾

What Bompard told you about the North Sea Agreement is correct. We do not care for the proposal to conclude separate agreements with Germany and the other Powers as it would mean altogether 15 separate agreements. Still less do the French care for the idea as they have not concluded any separate agreement with Germany since the Treaty of Frankfurt, and they consider that to do so now in recognising the status quo of the coast of France and Germany would be tantamount to the consecration of the Treaty by the recognition of the status quo of the Hinterland. This sounds a little far-fetched but in any case the French Government have to take into account public opinion in France. To meet these difficulties we have drawn up a counter-draft, which has first to be submitted to the Cabinet, in the form of a document to be signed at Berlin by all the R[ep]R[esentatives] of the Powers interested in the North Sea. In our counter-draft we have inserted as the scope of the agreement, the coasts of the North Sea and the entrances to the Baltic so that there may be no intervening space between the North Sea and Baltic not covered by the agreements. Metternich has agreed to this in principle and since we hear that the Baltic is to be bounded by a line from Kiel to Frelleborg we shall in this way bring in the Belts and the Sound within the scope of our agreement.

As regards the Aland Isl[and]s negotiations Wrangel inquired of me two days ago whether the Russians had made any proposals to us recently. I said "no," and that the negotiations had been dropped. He replied that this is not so and that the negotiations are still being carried on. I suggested that he might mean the negotiations for a Baltic agreement, apart from the Aland Isl[and]s question, but he maintained that the latter question is still being negotiated. I do not attach much importance to the matter one way or the other. Our position is quite clear. We cannot abrogate the Treaty until Sweden is satisfied with the guarantees given by Russia.

As for the Baltic and North Sea agreements they will hold good for us so long as they are not violated by others. If in time of war the Straits remain open that is all we want. If Germany tries to close them we shall regard ourselves as absolutely free to do what we like and even to ignore the integrity of Norway should we require a naval base on the Norwegian coast. For these reasons the agreements

⁽¹⁾ [Carnock MSS. of 1908.]

⁽²⁾ [This letter cannot be traced.]

are hardly worth the paper they will be written on as we know that Germany has made preparations to invade Denmark in case of war with us. . . .⁽³⁾

Y[ou]rs ever,
CHARLES HARDINGE.

⁽³⁾ [The remaining paragraphs of the letter are irrelevant to the subject of this chapter, and contain nothing of importance.]

No. 143.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

Foreign Office, February 19, 1908.

We have, I am glad to say, heard nothing recently from Benckendorff about the Aland Isl[and]s question, and I do trust that Isvolsky will see that, at a moment when we are pulling together in Persia and Macedonia, it would be a false move on his part to throw between us such an apple of discord as this question might prove. There would be a very strong feeling here in parliament against the abrogation of the Treaty, as it would be regarded as the abandonment of a small country to the mercy of a Great Power. The North Sea negotiations are progressing slowly. We have proposed a counter draft to the German draft by which the entrances to the Baltic would be included in the agreement and Sweden would be admitted as a Signatory Power. I do not know whether the Germans will accept our counterdraft, but we know privately that neither the French nor the Dutch will accept the German text. We cannot do so either. . . .⁽²⁾

Y[ou]rs ever,
CHARLES HARDINGE.

⁽¹⁾ [Carnock MSS. of 1908.]

⁽²⁾ [The remainder of the letter is concerned with different political subjects, but adds nothing of importance.]

No. 144.

Statement by Sir Edward Grey in Answer to Questions in the House of Commons.

(Parl Deb., 4th Ser., Vol. 184, pp. 1020-1.)

February 20, 1908.

Mr. Lonsdale (Armagh, Mid.): I beg to ask the Secretary of State for Foreign Affairs whether he is aware that alarm has been occasioned in Sweden by the report of Russia's intention to demand release from her treaty obligations in regard to the fortification or permanent military or naval occupation of the Aland Islands; whether any representations have been made by Russia proposing the abrogation of the treaty of 1856; and what is the attitude of His Majesty's Government upon this question.

Mr. Mitchell-Thomson (Lanarkshire, N.W.): At the same time may I ask the Secretary of State for Foreign Affairs whether any representations have been received by His Majesty's Government from the Russian Government regarding the position in the Aland Islands and the continuance of the Aland Treaty; and, if so, whether he is prepared to make any statement on the subject.

Mr. Byles (Salford, N.): May I also ask the Secretary of State for Foreign Affairs, whether his attention has been called to the political unrest in Sweden occasioned by the negotiations said to be pending between Great Britain and the other signatories of the Treaty of Paris of a nature likely to affect the position of Sweden in the Baltic; and can he make any reassuring statement which would satisfy the House that Great Britain is making no arrangement which would be disadvantageous to a friendly Power.

Sir Edward Grey: I am aware that anxiety on this subject has found public expression in Sweden. The Treaty referred to is one to which Great Britain, France and Russia are parties, and I can make no statement about any negotiations concerning it except that it is not at the present moment necessary for His Majesty's Government to come to any decision about it. If, and when, this is necessary, we shall of course consult with both the other parties to the Treaty, and take into account the feeling of Sweden and every other circumstance which is relevant, before coming to any decision.

[*ED. NOTE.*—On February 25, Sir R. Rodd telegraphed information as to "a new Russian proposal submitted to Swedish Government." It was described as "rehearsing policy of maintaining territorial *status quo*" and containing "a reservation providing that obligation as regards *status quo* shall not be interpreted as restricting in any way the sovereign rights of respective States over their own territory." Sir R. Rodd reported that the Swedish Minister for Foreign Affairs hesitated to accept this formula in case it should be used by Russia to support her view that Sweden had consented to the removal of this restriction as to the Aland Islands. (Tel. No. 15, D. 7:35 P.M., R. 10 P.M. F.O. 371/528. 6673/91/08/42.)]

No. 145.

Communication from Count Wrangel.

Draft Agreement between Russia and Sweden, as proposed by the Russian Government.

Projet de Déclaration.

F.O. 371/528.

6933/91/08/42.

February 25, 1908.

Sa Majesté l'Empereur de toutes les Russies et Sa Majesté le Roi de Suède, désirant consolider les liens de bon voisinage et d'amitié qui unissent leurs Etats et contribuer par là à la conservation de la paix générale, et reconnaissant que leur politique par rapport aux régions de la mer Baltique a pour objet le maintien du statu quo territorial actuel,

Leurs Gouvernements déclarent par le présent acte qu'ils sont fermement résolus à conserver intacts les droits de Sa Majesté l'Empereur de toutes les Russies et de Sa Majesté le Roi de Suède sur Leurs possessions continentales et insulaires respectives dans les dites régions.

Dans les cas où le statu quo territorial actuel dans les régions de la mer Baltique serait menacé par des événements quelconques, les deux Gouvernements signataires de la présente Déclaration entreront en communication pour se concerter sur les mesures qu'ils jugeraient utiles de prendre dans l'intérêt du maintien du statu quo.

En foi de quoi les Plénipotentiaires, dûment autorisés à cet effet, ont signé la présente Déclaration et y ont apposé les cachets de leurs armes.

Fait à le

Draft Declaration to be signed simultaneously with above Agreement.

Au moment de signer les déclarations en date de ce jour, le Soussigné, d'ordre du Gouvernement, &c., croit devoir préciser que le Gouvernement entend le terme de statu quo—dont le maintien fait l'objet des susdites déclarations—exclusivement dans le sens de l'intégrité territoriale des possessions actuelles continentales et insulaires des deux hautes parties contractantes dans le bassin Baltique et que, par conséquent, ce terme ne peut et ne pourra dans aucun cas être compris comme impliquant une restriction quelconque du plein exercice par l'une ou par l'autre des deux hautes parties contractantes de leurs droits souverains sur leurs possessions respectives susmentionnées.

Note verbale.

On the condition that the British Government should not consider the exchange of such notes as a reason for not opposing an eventual demand for the abrogation of the Aland-treaty of 1856, the Swedish Government has in principle no objection against the proposed exchange of notes simultaneously with the signature of the declaration concerning the "Status Quo" in the Baltic.

MINUTES.

Count Wrangel brought me this morning the accompanying papers, viz: the text of a proposed agreement with Russia relating to the "status quo" in the Baltic, and a declaration which the Russian Gov[ernmen]t proposed should be made simultaneously. The communication made at the same time by the Swedish Gov[ernmen]t⁽¹⁾ is badly expressed, but amounts, I gather, to a statement that the Swedish Gov[ernmen]t would be ready to sign the documents in question if they could obtain a promise from us that we would not agree to the abrogation of the Treaty of 1856. Count Wrangel inquired what our reply would be.

I said that the Russian Gov[ernmen]t had for several months allowed the matter to rest and had not approached us at all recently. The question of the abrogation of the Treaty is not therefore before us, and that it would be impossible to give any pledge as to our future action until we know the terms of what has actually been concluded between Sweden and Russia.

Count Wrangel remarked that it was only on the intentions of the Western Powers as to the Treaty of 1856 being known that Sweden would be in a position to make an agreement with Russia such as is now proposed, and that the question had thus come to a complete "impasse." Feeling in Sweden is, he said, absolutely unanimous as to the necessity of maintaining the Treaty of 1856 as shown by the debate in the Swedish Parliament on Saturday last.

He would like a written reply.

C. H.

Feb[ruary] 25, 1908.

I should like to discuss this question before anything further is done. [C. H.]

This is an attempt to get us to guarantee Sweden against the fortification of the Aland Islands. A pledge not to abrogate the 1856 Treaty would put us in the position of having to declare war on Russia, if she fortified the Aland Islands, for if Sweden in the faith of such a pledge signed this agreement, we could not honourably content ourselves with a mere protest if Russia denounced the 1856 Treaty without our consent.

I will discuss the matter on Thursday.

E. G.

One has in this connection to remember the history of the 'purely commercial harbour' of Batoum and how Russia observed the stipulations of the Treaty of Berlin relating to it.

F.

⁽¹⁾ [cp. p. 166, *Ed. note.*]

No. 146.

Sir Edward Grey to Sir R. Rodd.

F.O. 371/528.

6933/91/08/42.

(No. 24.)

Sir,

Foreign Office, February 26, 1908.

The Swedish Minister, having communicated yesterday the drafts submitted by Russia to the Swedish Government with regard to the Baltic, of which copies are herewith enclosed,⁽¹⁾ asked whether, if the Swedish Government signed them, we would give an undertaking not to agree to the abrogation of the Aland Islands Treaty. I informed him to-day that, after what he had said, we should certainly not regard the fact that Sweden had signed any arrangement such as that proposed as an intimation that she no longer attached importance to the question of the Aland Islands.

⁽¹⁾ [Not reproduced. v. immediately preceding document.]

It was, however, not possible for us to give an unconditional promise that we would under no circumstances agree to a modification or abrogation of the Aland Islands Treaty. At present, we were not being asked to agree to its abrogation: I hoped the question might not be raised, and we should very much prefer this to be the case. But, in the event of our being asked to abrogate the Treaty, we would consult with Sweden before coming to any decision in the matter, in the hope that it might be possible to arrange some satisfactory agreement.

Count Wrangel thanked me for what I had said, which he would communicate to his Government.

A few days previously, he had asked me whether it was true that France and ourselves had come to an agreement with Russia to regard the Treaty of 1855 as abrogated.

I told him at once this was quite untrue. There has, originally, been a question as to whether the whole of that Treaty had been abrogated by the separation of Sweden and Norway: but it had eventually been arranged with the Swedish Government that there should be a formal declaration of abrogation. Russia had not, however, insisted that this declaration should be signed at the time of the Norwegian negotiations, and nothing has passed on the subject since.

(Confidential.)

I may add, for your own information, only, that should the Russian Government ask us to abrogate the Aland Islands Treaty I should reply that, before doing so, we should like Russia to make an arrangement which would be satisfactory to Sweden.

[I am, &c.]

E. G[REY].

No. 147.

Sir Edward Grey to Sir F. Lascelles.

F.O. 371/528.

7455/91/08/42.

(No. 64.)

Sir,

Foreign Office, February 29, 1908.

I told Count Metternich to-day that we would accept the second alternative suggested by the German Government as to the outstanding point in the North Sea Agreement.

We would omit all mention of entrances in the Draft, but we thought it essential that there should be a declaration stating that there was no gap between the North Sea and the Baltic. I would leave it to the German Government to consider how this could best be expressed.

My reason for attaching importance to some such declaration was that if an Agreement was signed about the North Sea and another about the Baltic, without any mention of the Straits between them, it might appear as if the Straits had been purposely excluded from any Agreement of this kind, and were therefore in a less secure position than before.

It would also be very desirable that the two Agreements should be made simultaneously, otherwise people would ask what were the limits of the North Sea, whereas if the two Agreements were signed simultaneously, we could reply that it had been unnecessary to define the exact limits of the North Sea, inasmuch as what was not covered by one Agreement was covered by the other.

Count Metternich said the negotiations about the Baltic might take some time, and asked whether this would necessarily lead to a postponement of the signature of the North Sea arrangement.

I said I would not go so far as to say that we would make the signature of the Agreement absolutely dependent upon the simultaneous signature of the Baltic Agreement, but it was very desirable that the two should come together if a satis-

factory impression was to be produced. Perhaps the Baltic arrangement would be ready in time, and if not we could take into consideration how the difficulty could be overcome.

Count Metternich told me that the Baltic arrangement was delayed by the Aland Islands difficulty. Russia did not wish to fortify the Aland Islands, but only to have a police station on them for the prevention of smuggling. Russia felt, however, that the restriction imposed upon her years ago after an unsuccessful war was one which ought to be removed. Germany was doing her best to promote an arrangement between Russia and Sweden.

I said that, as far as we were concerned, had the question of the Aland Islands Treaty been a new one, we should not have attached such very great importance to it. But public opinion here would not be at all satisfied if we now abrogated an old Treaty which was an undoubted protection to a weaker Power, unless some satisfactory arrangement could be made with Sweden.

I hoped it might be possible for Russia and Sweden to arrange this difficulty between themselves.

[I am, &c.]
E. G[REY].

[ED. NOTE.—Sir F. Bertie reported on March 3, in his telegram No. 12 (D. 8.39 P.M., R. 10.45 P.M. F.O. 371/528. 7466/91/08/42.), that the drafts submitted by Russia to Sweden had been communicated to the French Government, and that the Swedish Government desired to be consulted before France and England agreed to abrogate the Aland Islands Treaty.]

No. 148.

Sir R. Rodd to Sir Edward Grey.

F.O. 371/528.
7853/91/08/42.
(No. 44.) Secret.
Sir,

Stockholm, D. March 3, 1908.
R. March 7, 1908.

I have the honour to report that I found the Minister for Foreign Affairs in excellent spirits at his weekly reception this afternoon. The Russian Minister, who returned yesterday, or the evening before, from St. Petersburg had just left him, and had apparently been the bearer of good news. Monsieur de Trolle had just written down on a piece of note paper the verbal message which Baron Budberg had brought from the Emperor, in English, and in showing it to me His Excellency explained that His Majesty was in the habit of using the English language. The precise words written down, as nearly as I can remember them, were "Perhaps in a few years' time we may discuss the matter again." The matter in question was the abrogation of the Treaty of 1856 and the limitations which it imposes on Russia's freedom of action in the Aland Islands. It seems therefore that Russia has now definitely decided to drop all reference to this issue in the present Baltic Negotiations.

Monsieur de Trolle, who was I gathered, much gratified with your reply to Count Wrangel recorded in your despatch No. 24 of the 26th ultimo,⁽¹⁾ told me that he thought it would now be possible to proceed with the preparation of a new draft of the Baltic agreement which could be ready for signature simultaneously with the North Sea Agreement.

I asked him if the draft which had been submitted to you by Count Wrangel would not suffice. He said he thought the reservation explaining the interpretation to be given to "status quo," as in no way limiting the sovereign rights of the respective signatories would be brought into the text of the instrument itself.

Monsieur de Trolle said that while this decision of the Emperor's was a great relief to him, he could not of course conceal from himself that the question would

(¹) [*v. supra*, pp. 167-8, No. 146.]

be raised again, as in fact the message just conveyed to him foreshadowed. But at any rate there would now be ample time to give the matter mature consideration, and look for a possible solution. This afforded me a favourable opportunity for sounding His Excellency, as instructed in your despatch No. 27 confidential of the 28th ultimo,⁽²⁾ as to how far a solution of the nature put forward in my despatch No. 38 confidential of the 20th ultimo⁽²⁾ would commend itself to Swedish opinion. I was of course careful to explain that the idea was purely a personal suggestion of my own, based on the principle of seeking a solution which might conceivably be acceptable to all the interests concerned.

Monsieur de Trolle said that he had in mind a compromise of this kind being possible when he received your message to the effect that His Majesty's Government would not agree to the abrogation or modification of the Treaty of 1856 without first consulting Sweden in the hope that some agreement might be arrived at. He had never, he said, thought that it would be possible to maintain the treaty unconditionally and indefinitely. He realized that it could not be in our interest to take up an attitude antagonistic to Russia solely on behalf of Sweden. At the same time he felt that we might be willing to assist Sweden by some sort of guarantee, and he thought that an instrument such as I described, which preserved to Great Britain and France the title to retain a voice in Baltic matters would be to our own advantage. A promise made to Sweden by Russia without the counter signature of any witnesses would not be held in this country as affording a sufficient guarantee for the future but if it included the moral right to appeal to Great Britain and France as witnesses of the undertaking, in case of the threatened violation of assurances given, it would assume quite a different aspect. Some such arrangement seemed to afford the most appropriate and logical solution of the difficulty.

He went on to say that he had learned that the Emperor of Russia had, until comparatively recently, been unaware of the existence of the Treaty of 1856, and on learning of its existence had greatly resented the restriction of his sovereign rights which it entailed. He was inclined therefore to think that amour propre had played a more important part in the Russian contention than any actual desire to fortify the Åland Islands. At the same time his information went to show that Russia contemplated an entire change of policy as regards Finland, and he thought that it was probably true that the military authorities wished to have a certain force available in the islands for a rapid descent on the Finnish coast in case of emergency. In connection with this assumption he told me in strict confidence that they were engaged in Russia in rapidly constructing a new kind of vessel of about a thousand tons burden, something in the nature of a big lighter, fitted with a very projecting bow which would act as a gangway for the disembarkation of troops on a rocky coast.

I asked Monsieur de Trolle to what he attributed the sudden change of policy of Russia and the determination taken to drop the question of the Åland Islands for the present. He said that he thought it not impossible that the Emperor's decision had been considerably affected by the almost unanimous attitude of opposition adopted towards the Russian proposals in the English press, which, he believed, His Majesty was in the habit of reading. I have also reason to know that the Russian Legation here has recently received instructions to send full reports as to the comments of the Swedish press on the subject, a procedure which is apparently quite contrary to all precedent.

Monsieur de Trolle then asked me whether the text of the North Sea Agreement had as yet been determined and whether the entrances to the Baltic would be included. I told him that I understood that the text was still under consideration, but that I believed that it was decided that no interval should be left between the areas covered by the two instruments and I accordingly asked whether the Baltic agreement would now contain any definition of the limits of that sea. He said that he did not know whether any such definition was contemplated, but if one sea was held to leave off

(²) [Not reproduced, as its tenour is sufficiently indicated above.]

where the other began, it seemed obvious that the area of one or the other should be defined in one or the other agreement. He was most anxious that the entrances to the Baltic should be dealt with in the North Sea Agreement, so that they might be placed under the surveillance of the greater number of powers.

I have informed you by telegraph of the most important points in this despatch.⁽³⁾

I have, &c.

RENNELL RODD.

⁽³⁾ [A brief summary of the information contained in this despatch was sent to Sir Edward Grey in Sir R. Rodd's telegram No. 16 of March 3, D. 5.55 P.M., R. 9 P.M. F.O. 371/528. 7469/91/08/42.]

No. 149.

Sir C. Hardinge to Sir A. Nicolson.

Private.⁽¹⁾

My dear Nico,

Foreign Office, March 3, 1908.

I am beginning my letter to you today as I cannot tell how much time I may have tomorrow.

The Aland Isl[and]s question is extraordinarily tiresome and Isvolsky made a mistake in raising it. It would have been far better to have asked Sweden to allow small vessels to coal and repair in the ports with a view to being able to patrol the Baltic and Gulf and we would willingly have assented to any agreement arrived at between them. The "servitude" of not being able to fortify is not a very onerous nor unprecedented condition. The same exists for the islands of St. Pierre and Miquelon, dating from the Treaty of Utrecht, and after our "entente" the French never asked for us to abrogate this part of the Treaty, which we should have certainly refused to do. I think there is even a prohibition against the fortification of Sakhalin. The Russians should also remember that the Treaty of 1856 was really the condition on which the Islands were restored to them. These however, are historical rather than practical considerations. The practical side of the question is that though we have not pledged ourselves to the Swedes not to abrogate the Treaty, we have promised them that we will do nothing without consulting them. If, on the other hand, the Russian Gov[ermen]t ask us to abrogate the Treaty we shall reply that they must first give Sweden guarantees which she considers satisfactory. We have not told the Swedes this, as it would encourage them to be obstinate, but this is the policy upon which we have decided. I have told them to send you a copy of a despatch to Rodd which lays this down.⁽²⁾ I quite see Isvolsky's difficulty in signing a "status quo" agreement for the Baltic, but why in Heaven's name did he raise such a thorny question?

As you know public feeling in this country is very strong in favour of the protection of small and weak countries against the big and strong, and the Gov[ernmen]t would be very severely attacked if Sweden were, by the abrogation of the Treaty of 1856, to be handed over to the tender mercies of Russia without receiving satisfactory guarantees. It is as well that Isvolsky should thoroughly understand this so as to avoid pressing us to do the impossible. . . .⁽³⁾

Yours ever,

CHARLES HARDINGE.

⁽¹⁾ [Carnock MSS. of 1908.]

⁽²⁾ [*cp. supra*, p. 168, No. 146.]

⁽³⁾ [The remainder of the letter is about the proposal for a meeting between King Edward and the Czar at Reval. *cp. Gooch & Temperley*, Vol. V, pp. 232-46, *passim*.]

[ED. NOTE.—The following table was attached to the Memorandum given by M. van Swinderen to Sir Henry Howard on March 6, 1908, communicating to him the reply which the Government of the Netherlands had made to the German proposal of February 5. *cp. G.P. XXIII, II, pp. 534-41, 549.* The text of the Spanish note of May 16, 1907, is reproduced exactly from the version given in M. van Swinderen's table. It varies in many respects from the original note as communicated to Sir Edward Grey by Señor de Villa Urrutia at the time. The Spanish text of this note is printed in *Gooch & Temperley*, Vol. VII, pp. 33-4, No. 41. The French text is identical (*mutatis mutandis*) with M. Pichon's note of the same date, *ib.*, p. 33, No. 41.]

F.O. 371/528
8154/91/08/42.

*Spaansch-Fransch-Britische
Schikkung.*

[May 16, 1907.]

1.

2. Animé du désir de contribuer par tous les moyens possibles à la conservation de la paix et convaincu que le maintien du statu quo territorial et des droits de l'Espagne dans la Méditerranée et dans la partie de l'Atlantique qui baigne les côtes d'Espagne et d'Afrique doit servir avec efficacité pour atteindre ce but étant en même temps utile aux deux Nations unies en outre par les liens d'une amitié séculaire et par la conformité des intérêts,

3. le Gouvernement de Sa Majesté Catholique désire porter à la connaissance du Gouvernement de la République Française la déclaration dont la teneur suit, avec le ferme espoir qu'elle contribuera non seulement d'assurer la bonne intelligence qui règne si heureusement entre les deux Gouvernements mais aussi à servir la cause de la paix.

4. La politique générale du Gouvernement de Sa Majesté Catholique dans les régions susindiquées a pour objet le maintien du statu quo territorial et conformément à cette politique le dit Gouvernement est fermement résolu à maintenir intacts les droits de la Couronne Espagnole sur ses possessions insulaires et maritimes situées dans les régions en question.

5. Dans le cas où des circonstances nouvelles selon l'opinion du Gouvernement de Sa Majesté Catholique pourraient modifier ou contribuer à modifier le statu quo territorial actuel, le dit Gouvernement se mettra en rapport avec le Gouvernement de la République Française afin de mettre

Duitsch Ontwerp.

1. Le Gouvernement Impérial d'Allemagne et le Gouvernement des Pays-Bas,

2. désireux de consolider les liens de bon voisinage et d'amitié séculaire, qui unissent leurs Etats et de contribuer par là à la conservation de la paix générale et reconnaissant que leur politique par rapport aux régions de la Mer du Nord a pour objet le maintien du statu quo territorial actuel.

3.

4. déclarent qu'ils sont fermement résolus à conserver intacts les droits de Sa Majesté l'Empereur d'Allemagne et de Sa Majesté la Reine des Pays-Bas sur leurs possessions dans les dites régions.

5. Dans le cas où le statu quo territorial actuel dans les régions de la Mer du Nord serait menacé par des événements quelconques, les deux Gouvernements signataires de la présente déclaration entreront en communication pour se concerter sur les mesures qu'ils jugeraient utiles de

Nederlandsche Amendementen.

1. *Les Gouvernements d'Allemagne, du Danemark, &c.*

2. désireux de consolider les liens de bon voisinage et d'amitié séculaire, qui unissent leurs Etats et de contribuer par là à la conservation de la paix générale et reconnaissant que leur politique par rapport aux régions de la Mer du Nord a pour objet le maintien du statu quo territorial actuel.

3.

4. déclarent qu'ils sont fermement résolus à conserver intacts *leurs territoires respectifs dans les dites régions et à les respecter réciproquement.*

5. Dans le cas où le statu quo territorial actuel dans les régions de la Mer du Nord serait menacé par des événements *indépendants d'une action quelconque de la part des Etats signataires de la présente déclaration*, ces Gouvernements entreront en communication pour se concerter

les deux Gouvernements à même de s'entendre, s'ils le jugent opportun, concernant les mesures qu'ils auraient à prendre en commun.

(Signé)

LÉON Y CASTILLO.

prendre dans l'intérêt du maintien du statu quo.

En foi de quoi les Plénipotentiaires dûment autorisés à cet effet ont signé la présente déclaration et y ont apposé les cachets de leurs armes.

sur les mesures qu'ils jugeraient utiles de prendre dans l'intérêt du maintien du statu quo.

En foi de quoi les Plénipotentiaires dûment autorisés à cet effet ont signé la présente déclaration et y ont apposé les cachets de leurs armes.

MINUTES.

The Dutch M[inister for] F[oreign] A[ffairs] has communicated to Sir H. Howard a memo[randum] by the Netherland Gov[ernmen]t on the subject of the proposed North Sea Agreement which they have communicated to the German Gov[ernmen]t. The Dutch Gov[ernmen]t presumably wish to let us know how they regard the question but do not ask for the observations of H[is] M[ajesty's] Gov[ernment].

While accepting the German draft in general they suggest certain alterations, five in number.

1. That there should be only one agreement. Sir E. Grey has already suggested this point to the German Gov[ernmen]t who have accepted it.

2. The Dutch Gov[ernmen]t wish to strengthen the declaration by substituting for the words " . . . are firmly determined to maintain the rights of . . . to their possessions in those territories," the words " . . . declare that they are firmly resolved to preserve intact their respective territories in those regions and *mutually to respect them.*"

The British counter-draft which says: " . . . firmly resolved to preserve intact the national rights of their respective countries over their possessions in those regions " does not go as far as what the Dutch propose but as it is quite in accordance with the views of H[is] M[ajesty's] Gov[ernmen]t as expounded in Sir E. Grey's desp[atch] No. 26 of Jan[uary] 24⁽⁴⁾ to Berlin we should presumably be quite ready to adopt these words if the German Gov[ernmen]t agree.⁽⁵⁾

3. The Dutch Gov[ernmen]t wish to insert words in para[graph] 2 of the German draft to make it quite clear that that para[graph] does not contemplate the possibility that the territorial status quo will be threatened by any of the Signatory Powers who in the preceding para[graph] have just undertaken to respect the status quo.

We shall probably learn in due course how the German Gov[ernmen]t regard this proposal.⁽⁶⁾

4. Proposes the insertion of a clause to enable the Powers to maintain a strict neutrality in the event of war; so that in the event of war between us and Germany the other Powers will be able to keep out of it.⁽⁷⁾

5. Proposes a clause providing for ratification.⁽⁸⁾

G. S. S.

The most important point which requires to be settled is whether it is desirable for us to enter into direct " pourparlers " with the Dutch in regard to the text of the proposed agreement, or whether we should strictly confine ourselves to negotiating with Germany, leaving the latter to take such notice as she likes of the Dutch wishes.

The second of these alternatives would probably be the least inconvenient to us. But there is something to be said in favour of our treating with the Dutch direct, to the extent of encouraging them to believe that we are anxious, wherever we can, to promote their interests. It may make all the difference in our relations with Holland if it is we, rather than the Germans, who have been of help to her in the present matter, however small that matter may appear in our eyes.

If this view recommends itself to Sir E. Grey, we might begin by instructing Sir H. Howard to thank M. van Swinderen for his communication and tell him that H[is] M[ajesty's] G[overnment] will take his suggestions into their favourable consideration.

The points raised in the Dutch proposals, and the amendments suggested seem to me unobjectionable and we might, I think, go so far as to say that we will support them to the best of our ability.

E. A. C.

M[ar]ch 9.

(4) [*v. supra*, pp. 161-2, No. 140.]

(5) [Marginal comment by Sir E. Grey: " German Gov[ernmen]t see no objection to this."]

(6) [Marginal comment by Sir E. Grey: " German Gov[ernmen]t think this undesirable."]

(7) [Marginal comment by Sir E. Grey: " German Gov[ernmen]t think this unnecessary."]

(8) [Marginal comment by Sir E. Grey: " German Gov[ernmen]t see no objection."]

I prefer the German wording of 5.

The amendment seems to me to weaken the force of 4, and to be open to the interpretation that the Agreement is aimed at some non-signatory Power e.g. Russia. The simultaneous signature of a Baltic Agreement would perhaps remove the possibility of such an interpretation.

W. L.

Sir H. Howard should be instructed to thank M. van Swinderen for his communication [and] to say that his suggestions will be carefully considered by H[is] M[ajesty's] G[overnment].⁽⁹⁾

The German Gov[ernment]t accept the modification of Art[icle] 4 as proposed by the Dutch Gov[ernment]t and the inclusion of an article for ratification. The Cabinet, to whom the text will now be again submitted, will probably accept the same view.

C. H.
E. G.

⁽⁹⁾ [Tel. No. 18, D. March 13, to Sir H. Howard.]

No. 150.

Sir Edward Grey to Sir F. Lascelles.

F.O. 371/529.
13102/91/08/18.
(No. 114.)

Sir,

Foreign Office, April 18, 1908.

I transmit herewith to your Excellency copy of the final draft of the Declaration and Memorandum respecting the maintenance of the *status quo* in the North Sea,⁽¹⁾ which your Excellency is hereby authorized to sign on behalf of His Majesty's Government

[I am, &c.
E. GREY.]

⁽¹⁾ [*v. infra*, p. 175, No. 153.]

No. 151.

Sir F. Lascelles to Sir Edward Grey.

F.O. 371/529.
13938/91/08/18.
Tel. (No. 13.)

Berlin, April 23, 1908.
D. 1·37 P.M.
R. 2·15 P.M.

The North Sea Declaration and Memorandum were signed by the Six Representatives at noon today.⁽¹⁾

The word "respectif" was inserted as requested by your telegram of last night.⁽²⁾

Herr von Schoen will postpone publication unless he hears from the German Ambassador in London that you have no objection. He hopes however to receive a communication in this sense in the course of today.⁽³⁾

⁽¹⁾ [The first paragraph is printed in paraphrase in *A. & P.*, (1908), CXXIV, (*Cd.* 3964), p. 1153.]

⁽²⁾ [In the final text of the Declaration as communicated by the German Ambassador on April 15, the word "respectifs" had been omitted from the first paragraph after "sur leurs territoires." This word had been inserted originally at the instance of Great Britain (*v. supra*, p. 162, *Ed. note*) and a telegram was sent at once to Sir F. Lascelles (No. 27 of April 22, D. 8·45 P.M. F.O. 371/529. 13102/91/08/18.). The word was in consequence re-inserted.]

⁽³⁾ [Telegram No. 28 to Sir F. Lascelles, D. April 23, stated that Herr von Stunm had been informed that morning of the British assent. The Declaration was published in Berlin on the evening of the 23rd and in London on the morning of the 24th.]

No. 152.

Mr. O'Beirne to Sir Edward Grey.

F.O. 371/529.

St. Petersburg, April 23, 1908.

13960/91/08/42.

D. 8·40 P.M.

Tel. (No. 10.) Treaty.

R. 7·46 P.M.

Baltic Agreement signed today by the four Powers.⁽¹⁾⁽¹⁾ [*v. infra*, p. 184, No. 156 (c).]

No. 153.

Declaration and Memorandum between the United Kingdom, Denmark, France, Germany, the Netherlands, and Sweden, concerning the Maintenance of the Status quo in the Territories bordering upon the North Sea.⁽¹⁾ Signed at Berlin, April 23, 1908.

[Ratifications deposited at Berlin, July 2, 1908.]

Déclaration.⁽²⁾

Les Gouvernements d'Allemagne, de Danemark, de France, de la Grande-Bretagne, des Pays-Bas, et de la Suède

animés du désir de consolider les liens de bon voisinage et d'amitié existant entre leurs États respectifs, et de contribuer par là à la conservation de la paix générale et reconnaissant que leur politique par rapport aux régions limitrophes de la Mer du Nord a pour objet le maintien du statu quo territorial actuel, déclarent qu'ils sont fermement résolus à conserver intacts et à respecter réciproquement les droits souverains dont jouissent actuellement leurs pays sur leurs territoires respectifs dans ces régions.

Dans le cas où, d'après l'opinion d'un des Gouvernements désignés ci-dessus le statu quo territorial actuel dans les régions limitrophes de la Mer du Nord serait menacé par des événements quelconques, les Puissances signataires de la présente Déclaration entreront en communication pour se concerter, par la voie d'un accord à conclure entre elles, sur des mesures qu'elles jugeraient utile de prendre dans l'intérêt du maintien du statu quo de leurs possessions.

La présente Déclaration sera ratifiée dans le plus bref délai possible. Les ratifications seront déposées à Berlin le plus tôt que faire se pourra et au plus tard le 31 Décembre 1908. Il sera dressé du dépôt de chaque ratification un procès-verbal dont une copie certifiée sera remise par la voie diplomatique aux Puissances signataires.

En foi de quoi les Plénipotentiaires dûment autorisés à cet effet ont signé la présente déclaration et y ont apposé leurs cachets.

Fait à Berlin le 23 Avril 1908.

(L.S.) (sg.) SCHOEN. (L.S.) (sg.) HEGERMANN-LINDENCRONE.

(L.S.) (sg.) JULES CAMBON. (L.S.) (sg.) FRANK C. LASCELLES.

(L.S.) (sg.) GEVERS. (L.S.) (sg.) TAUBE.

Pour copie certifiée conforme,

Le Sous-Secrétaire d'État des Affaires Étrangères,
STEMRICH.⁽¹⁾ [Printed in *B.F.S.P.*, Vol. 101, pp. 179-81.]⁽²⁾ [The Declaration and Memorandum and Procès-verbal were signed in the French language only. The text has been taken from the original certified copy communicated by Herr von Stumm on May 4, 1908, R. May 5. The Procès-verbal was similarly communicated by Count Metternich on July 15, 1908, R. July 17. The texts of both are in the Foreign Office Series of Original Treaties, (General No. 10).]

Memorandum.

Au moment de signer la Déclaration de ce jour les soussignés, d'ordre de leurs Gouvernements respectifs, croient devoir préciser :

1° que le principe du maintien du statu quo, consacré par la dite Déclaration ne vise que l'intégrité territoriale de toutes les possessions actuelles des Hautes Parties Contractantes dans les régions limitrophes de la Mer du Nord et que, par conséquent, la Déclaration ne pourra d'aucune manière être invoquée lorsqu'il s'agirait du libre exercice de droits de souveraineté des Hautes Parties Contractantes sur leurs possessions respectives susmentionnées;

2° qu'en regard de ladite Déclaration la Mer du Nord sera considérée comme s'étendant vers l'Est jusqu'à son alliance avec les eaux de la Mer Baltique.

Fait à Berlin le 23 Avril 1908.

(L.S.) (sg.) SCHOEN.	(L.S.) (sg.) HEGERMANN-LINDENCRONE.
(L.S.) (sg.) JULES CAMBON.	(L.S.) (sg.) FRANK C. LASCELLES.
(L.S.) (sg.) GEVERS.	(L.S.) (sg.) TAUBE.

Pour copie certifiée conforme,

Le Sous-Secrétaire d'État des Affaires Étrangères,
STEMRICH.

Procès-verbal

de la Séance tenue à Berlin au Département des affaires étrangères
le 2 juillet 1908
pour dresser acte du dépôt des ratifications de la Déclaration signée à Berlin le
23 avril 1908, concernant la Mer du Nord.

Étaient présents

Pour l'Allemagne :

M. de Schoen, Secrétaire d'État,

Pour le Danemark :

M. de Hegermann-Lindencrone, Envoyé extraordinaire et Ministre plénipotentiaire,

Pour la France :

M. Jules Cambon, Ambassadeur extraordinaire et plénipotentiaire,

Pour la Grande-Bretagne :

M. le Comte de Salis, Chargé d'affaires,

Pour les Pays-Bas :

M. le Baron de Gevers, Envoyé extraordinaire et Ministre plénipotentiaire,

Pour la Suède :

M. le Comte Taube, Envoyé extraordinaire et Ministre plénipotentiaire.

Les Soussignés s'étant réunis au Département des affaires étrangères à Berlin, pour procéder au dépôt des ratifications de la Déclaration signée à Berlin le 23 avril 1908, concernant la Mer du Nord, les instruments de ces ratifications ont été produits et trouvés en bonne et due forme; selon les instructions que les soussignés ont reçues de leurs Gouvernements respectifs, les dits instruments ont été remis à la garde du Gouvernement Allemand pour être déposés conformément aux stipulations de la dite Déclaration aux archives Impériales.

En foi de quoi a été dressé le présent procès-verbal, dont une copie certifiée sera adressée par les soins du Gouvernement de l'Empire d'Allemagne à chacune des autres Puissances.

Fait à Berlin, lu et approuvé le 2 juillet 1908.

signé : v. SCHOEN.

signé : J. HEGERMANN-LINDENCRONE.

signé : JULES CAMBON.

signé : J. DE SALIS.

signé : GEVERS.

signé : TAUBE.

Pour copie certifiée conforme,

Le Secrétaire d'État des Affaires Étrangères,

v. SCHOEN.

[*ED. NOTE.*—Reference to the conclusions of the Baltic and North Sea Agreements occurs in Sir Sidney Lee : *King Edward VII*, Vol. II, (1927), pp. 582-3. For King Edward's visit to Copenhagen, Stockholm and Christiania (April 21-5, 26-7, 28-May 2), *cp. ib.* pp. 583-4, where the dates given differ from those recorded in the official despatches. Sir R. Rodd wrote two despatches on April 28, 1908 (Nos. 69 and 70), describing the events and results of the visit to Stockholm. The first is omitted as it gives merely an outline of events; the second is printed below as it contains comments on the effects of the visit.]

No. 154.

Sir R. Rodd to Sir Edward Grey.

F.O. 371/530.

15207/14380/08/42

(No. 70.)

Sir,

Stockholm, D. April 28, 1908.

R. May 4, 1908.

I have forwarded in my desp[atch] No. 69⁽¹⁾ a full account of the visit of Their Britannic Majesties to Stockholm, which concluded amidst universal expressions of satisfaction and cordiality yesterday evening. I should like to add a few words on the subject of the political aspect of the visit and the deep impression which it has made in this country.

It may be considered from two points of view; firstly as regards our own relations with this country, secondly as regards its effects on the public mind in Sweden.

In considering it from the former point of view, it must be remembered that at the time of the dissolution of the Scandinavian Union, which so deeply stirred the sensibilities of the Swedish nation, while it was universally recognized that the attitude of Great Britain was, and remained one of impartial and benevolent neutrality to both parties to the quarrel, there were not a few in this country that held that British sympathies must in the future inevitably gravitate rather to the Norwegian side and, in the event of any difference arising between the two Northern Kingdoms, be consequently withdrawn from Sweden. The semblance of a case in point was not slow to arise, and when Norway sought and obtained from the Great Northern Powers a Treaty of Guarantees for her territorial integrity, such as Sweden did not desire on her own account, it was believed by many with a readiness, not a little surprising to those who know how erroneous was the supposition, that Great Britain in her desire to keep Russia from the Atlantic had been a warm supporter if not the original instigator of the Norwegian policy. The conviction that a prospect of an early reconciliation and future alliance was imperilled by the isolated action of Norway

(¹) [Not reproduced. *v. Ed. note* above.]

at a moment when it was obviously premature for Sweden to work in concert with her, was increased by the knowledge, which became public, that a paragraph in the Treaty could justifiably be regarded as especially directed against Sweden herself; and when Norway emphatically declined to allow Sweden to be associated with the guaranteeing Powers, the bitterness and depression felt at the isolation in which this country was left became extreme. Whether it was owing to a series of unfortunate misunderstandings, or, as there is some reason to apprehend, owing rather to the deliberate manœuvres of those who hoped hereafter to profit by this isolation and the resentment aroused in Sweden, the responsibility for her exclusion from association with the Guaranteeing Powers was represented to the public as due to British policy, which was believed to have had conclusive reasons for upholding the objection of Norway. While this apprehension was never entertained by those in authority, they were undoubtedly somewhat at a loss to account for what appeared to them to be a sudden abandonment of our contention that the signature of the Norwegian Treaty must be conditional on the previous abrogation of the Treaty of Guarantees of 1855,—a means of postponing the unwelcome conclusion through which they hoped to gain time to come to terms with Norway as regards the modification of the objectionable clause in the new Treaty. Misled by soft words from Russia, who had her own ends to gain, they were reluctant to perceive the part which she was in reality playing. I have little doubt from many indications which I at the time received that, at this particular moment, the traditional popularity of our country in Sweden had sunk to a very low ebb, and the anticipations of those who had prophesied the withdrawal of our sympathy had, as far as the uninstructed public were concerned, received a plausible appearance of confirmation. It was then that those Swedes who regretted deeply the turn that events seemed to be taking realized that the isolation of Sweden, divorced from the border kingdom, and exposed to the traditional covetous ambitions of a powerful neighbour, was likely to lead the popular instinct to seek for reinsurance in a new quarter and that she stood in imminent danger of falling under the controlling influence of the great military Empire with which she has already such great and growing commercial relations. It was indeed rather in this direction into which the blandishments of Russia were in danger of driving her than into a genuine reconciliation of interests with her traditional enemy. The Swede, who is slow in political perception, began however at length to understand what was the real object of the negotiations which had been inaugurated by Russia, and which had met with encouragement in Germany. He perceived with profound discouragement that those who had come forward with sympathy and offers of support were only prepared to give a practical form to their goodwill in exchange for a concession which he inevitably regarded as a deathblow to the future independence of his country. The awakening was rude. But in the moment of greatest despondency the people of this country realized once more that their common interests lay with their old and traditional friend whose sincerity they had for a moment permitted themselves to doubt. Anxiously, I might almost say, wistfully the eyes of the nation were directed towards Great Britain and every slightest reference to the burning question of the Åland Islands in the English press was eagerly examined and discussed. As gradually public opinion in England became illuminated and finally pronounced itself in no equivocal manner, a great feeling of relief found expression in public organs and when you, Sir, replied to a question on the subject in Parliament in the sense that should at any time the abrogation of the Treaty of 1856 be raised, no reply would be made without previous communication with the Swedish Government, the whole political atmosphere seemed to have undergone a change. The German oracles have remained dumb, the only public support which Sweden had received in the hour of her difficulties came from the British Government and the British press. Past misunderstandings seemed to be cleared away and much that had appeared perplexing was now readily susceptible of explanation. The cordial support which you gave the Swedish Government in seconding their claim to be associated with the other signatories of the North Sea

Agreement confirmed the restored conviction of the friendly attitude of His Majesty's Government. The fact that they were admitted to participation in both the important international instruments, which have just been signed, has gone very far to restore the national sense of self-confidence which recent events had undermined, and it is fully realized now that it is largely owing to our influence that Sweden has participated in the one instrument, while the consequences of the other were rendered anodyne.

At the moment of this reaction the Swedish public learned that His Britannic Majesty had *proprio motu*, offered to pay a visit to the King under circumstances wholly unprecedented, inasmuch as an older sovereign had announced his intention of paying a first visit to the sovereign who had occupied the throne but for a few months. Once more the national pride was flattered and intensely gratified. It cannot moreover be denied that the accidental circumstances which led to the visit of the King being paid to Sweden before the return visit to the Norwegian Court had taken place, have, for reasons which it is easy to appreciate, had no little effect in increasing the public satisfaction. It had been made clear that the Norwegians who, after their recent successes, can afford to be and are disposed to be generous have felt no resentment on this score, and if the Swedes are the better pleased we need only make the reflection "*appone lucro.*"

I have in the report on the details and ceremonial of the Royal visit alluded to the remarkable exhibition of enthusiasm which it has evoked from an habitually reserved and externally cold population. I believe that this public testimony of the appreciation of the honour which His Majesty has shown the Court and Country of Sweden has been not a little enhanced by the consciousness that a short time ago there had been a tendency to doubt the constancy of an old traditional friend.

The demonstrations of the public have been both anticipated and seconded by the press. I do not propose to trespass on your time by submitting long extracts from the newspapers which, whatever the shade of opinion they represent, have been of one mind in giving utterance to the national sentiments and in welcoming Their Majesties to Stockholm. Not a few of them have even published leading articles in English of which I venture to inclose some specimens extracted from the principal journals of the capital.⁽²⁾ I cannot however refrain from mentioning that the note of cordiality has even extended to the organ of the Socialists, which in a not unappreciative biographical sketch, maintains that it is not without a certain feeling of sympathy that the social democrats contemplate the journeys of King Edward from court to court, doing his country admirable service in the cause of peace.

In the many press notices which I have read during the last few days on the subject of the Royal visit, I do not think that anywhere has the spirit in which it is regarded in Sweden been better summed up than [in] the following extract from the "*Stockholms Tidning*," a popular paper with a relatively large circulation—

"At the moment in which King Edward lands on the soil of Sweden a great work has been accomplished in the interests of peace, in which His Majesty and the State which he represents have had a momentous share. The impression which this fact has produced contributes to swell the feeling of general gratification, with which the Swedish nation welcomes their exalted guest, and gives their greetings significance, which raises them above the level of conventional politeness."

The similarity of instincts and aims between the two nations, the greater and the less, has been a constant theme in these articles, and it is pointed out with no little pride that their constitutional liberties and parliamentary institutions are of equal and unique antiquity.

From a political aspect, in so far as the good relations of Great Britain with this numerically small but remarkably organized and highly spirited nation, which must always be a factor in the Baltic, are deemed to be of importance, the visit has

(2) [Not reproduced.]

been an unqualified success. It has set the seal on a revival of sympathies which the Swedish nation saw with welcome appreciation reverting to the traditional channel.

But there is another aspect under which the visit may be regarded as having done good service to this country. King Gustaf has barely occupied the Throne of Sweden for five months. His Majesty succeeded at a moment when the star of the House of Bernadotte had passed under a certain cloud of misappreciation and had been made responsible for a period of national ill-success and disappointment. As heir apparent he did not escape a good deal of public criticism, nor did he ever do anything to win popularity. It was therefore not without some misgivings that those who appreciated his real qualities looked forward to the beginning of a reign, in a country where democratic ideas are rapidly gaining ground, and the old support of the aristocracy has not been of late whole-heartedly accorded to the Crown. In spite however of such anticipations His Majesty has from the first, by his simplicity of manner and address, by his earnest devotion to his duties and his readiness to perceive and appreciate the spirit of the times, acquired a measure of public esteem and even popularity with all classes, which has surprised his most ardent well-wishers. The unexpected and gratifying compliment of a visit, under the circumstances to which I have already alluded, spontaneously offered by the Sovereign of the nation to which at the present moment the Swedish people feel so strongly drawn, has still further strengthened the position of King Gustaf in the regard and affection of his subjects. Not a little of the pride and gratification which this visit has caused goes out towards the person of the Monarch to whom it has been paid. It has confirmed in him a feeling of self-reliance and encouragement and undoubtedly brought him into closer sympathy with his people. His Majesty's advisers dwell with much gratification on the great service in this respect which King Edward has rendered to the Sovereign.

And as with the King, so with the people. The fact that their Sovereign has been singled out for exceptional treatment by the Sovereign of the nation, whose goodwill they most appreciate, has done much to restore their self-esteem and help them at a critical time in national development.

I trust I may be allowed to add that everyone in this capital with whom I have had the opportunity of discussing this visit, from King Gustaf downwards, is deeply impressed with the gracious and kindly appreciation shown by Their Majesties of the efforts made here to do them honour, and that the King, who was able, at no little personal sacrifice during an inevitably short stay in Stockholm, to come into contact with most of the prominent men in public life, has left an indelible impression of gratification and encouragement on all who had the honour of being presented to His Majesty.

I have, &c.

RENNELL RODD.

No. 155.

*Minutes by Sir Edward Grey, Mr. Eyre Crowe, Mr. W. Langley and
Sir C. Hardinge.⁽¹⁾*

F.O. 371/529.

15693/91/08/42.

May 7 (?), 1908.

1. The points brought out in this memorandum are of considerable interest, and tend to give rise to some further questions.

2. In the first place it seems clear that none of the Powers concerned were in 1854 conscious of the existence of any treaty stipulations expressly providing for the freedom of the Sound to navigation.

⁽¹⁾ [These minutes were attached to a memorandum by Mr. G. H. Villiers, dated May 6, 1908, upon "The Passages into the Baltic Sea." It is not reproduced as its conclusions are summarised adequately in these minutes.]

3. Secondly: whilst there were evidently divergences of views as to whether, quite apart from such absence of express treaty stipulations, the Sound was free to general navigation, the clear inference from the discussion between the British and Danish governments is that other passages from the North Sea to the Baltic (the Great Belt) were assumed to be free in any case.

4. In view of the fact that the British gov[ernmen]t attributed to Denmark the right to close the Sound, and that this right was by Denmark not disputed in theory, but apparently only declared to be dangerous of application in view of the political situation at the time, it is important to consider the exact limits of the territorial jurisdiction exercised or claimed by Denmark over the narrow waters.

5. The Sound is less than 3 miles wide at its narrowest point, and the Little Belt narrows down to one mile only. It may be presumed that over the Little Belt, which is bordered by Danish territory on either side, Danish jurisdiction of some sort cannot be questioned, although such jurisdiction may be subject to limitation in the shape of a general right, under the law of nations, for ships of all Powers to navigate the channel freely. Such, I believe, was the position of the Bosphorus, before the right to close it to the passage of foreign men-of-war was conferred upon Turkey by special treaty.

6. The case of the Sound is complicated by the fact that the opposite shores belong to two different countries, Denmark and Sweden. One would suppose that where the width of this strait is less than 6 miles, there must be some agreement or working arrangement between the two countries as to the limits within which either of them exercises jurisdiction. The Library have however been unable to find any record of the existence of such an arrangement.

7. On the assumption that the character of public highways does not belong to the several straits in virtue of any express treaty stipulations, probably the best ground on which that character can yet be vindicated in times of war, is that on which the Danish gov[ernmen]t based their refusal in 1854 to close the Sound to the Russian fleet, namely that any such action would practically constitute, on Denmark's part, an "unneutral service" to one or other of the belligerents. In other words, the straits are likely to be kept open, so far as Denmark or Sweden are concerned, so long as there are Powers strong enough actively to resent, and to punish, such a breach of neutrality,—which, I take it, is the practical view of the question which must, independently of all theoretical considerations, recommend itself to any British government, and which is not likely to be challenged except by a possible combination between Germany and Russia against England—a remote contingency for the moment.

8. Nevertheless, it might be desirable to enquire of the Admiralty whether they can throw any light on the limits of jurisdiction exercised or claimed by Denmark and Sweden over those portions of the narrow waters which are within the 3 mile zone. We might also ask our Ministers at Copenhagen and Stockholm to report what they can ascertain on this point without calling attention to the fact that H[is] M[ajesty's] G[overnment] are enquiring into the matter.

9. At the same time I still think it would be of interest to obtain from M. Isvolsky a statement showing to what special treaty stipulations he referred in his conversation with Sir A. Nicolson as guaranteeing the free navigation of the straits.

E. A. C.

May 7.

The search made by the Library has furnished us with some interesting information but not with an explanation of M. Isvolsky's reference to International Acts. As Sir A. Nicolson told him he should mention his remarks to the S[ecretary] of S[tate] an inquiry as to the meaning of that reference ought not to surprise M. Isvolsky, but the Ambassador advises against that course and suggests that the matter is not urgent. If there is any chance of making him more reticent

in future it would be a pity to run the risk without cause. We could in the meantime communicate with the Admiralty about the limits of jurisdiction in the Sound, and if it is thought advisable with Stockholm and Copenhagen but the subject will require rather delicate handling.

W. L.

As it is probable that I shall see M. Isvolsky before long I think I could probably ascertain in conversation what he meant, without instructing Mr. O'Beirne to make inquiries.

As regards the jurisdiction of Sweden and Denmark over their territorial waters in the Sound I think it would be much better not to raise the question at present. The Swedes have buoyed the Flint Channel and no doubt they will have to deepen it before long both in their own commercial interests and those of Russia, but it is inadvisable for us to show interest in the Sound as to do so would be to provoke the opposition of Germany.

C. H.

I told Count Wrangel unofficially about a week ago that I heard indirectly that a strong wish had been expressed to him from a certain quarter here that Sweden should deepen the Sound. I said that I had no wish whatever to discourage such a step if Sweden desired it—quite the contrary—but that it was not a matter which we desired to raise or to urge upon Sweden. Our intervention would produce the impression that there was an attempt to disturb the political status quo. I therefore told Count Wrangel that any mention of the subject to him here was entirely unauthorized.

Count Wrangel admitted that he had been asked casually what Sweden's intentions were. To deepen the Sound would be an advantage to Sweden, but she was not doing anything at the moment and if done it would be a commercial affair.

On the general question Sir C. Hardinge should act as he proposes. It is awkward that we have once asked for the Straits to be closed: it is fortunate that we were refused: we must in future as Mr. Crowe says, stand upon the ground on which that refusal was based.

E. G.

No. 156.

Communication from the Swedish Minister, June 1, 1908.

(a.)

[Russian] *Aide-Mémoire.*

F.O. 371/529.

19165/91/08/42.

St. Petersburg, March 15/28, 1908.

Les pourparlers préliminaires qui ont eu lieu dans ces derniers temps entre les Puissances riveraines de la mer Baltique ayant constaté l'existence d'une parfaite identité de vues des 4 Gouvernements de Russie, d'Allemagne, de Suède et du Danemark,—en ce qui concerne l'opportunité de reconnaître ouvertement que le seul but de leur politique dans les parages de la mer Baltique est la conservation de la paix générale et, par conséquent, le maintien du *statu quo* territorial actuel,—le Ministère Impérial des Affaires Etrangères a l'honneur de recommander à la bienveillante attention des susdits Gouvernements le projet d'arrangement ci-joint consacrant ce principe du *statu quo* par rapport aux régions de la mer Baltique.

En outre, plusieurs observations ayant été formulées, de part et d'autre, au cours des pourparlers susmentionnés, tant sur la forme que sur le fond de l'arrangement projeté, le Ministère Impérial croit devoir expliquer ce qui suit :

1. Pour ce qui est de la forme de l'arrangement, la question a été soulevée si l'on ne devait pas s'en tenir à l'exemple des accords dits espagnols, du

mois de mai 1907, c'est-à-dire échanger des déclarations *séparées* reconnaissant le principe du *statu quo*. Cependant, le Cabinet de Stockholm ayant exprimé le désir que la question de la Baltique fût réglée par un acte *général* à signer par toutes les Puissances riveraines de cette mer et, d'autre part, la question parallèle du *statu quo* des régions limitrophes de la mer du Nord devant également trouver sa solution dans une forme analogue, le Gouvernement Impérial ne voit plus aucune nécessité d'insister davantage sur la forme de déclarations séparées dont il était question auparavant.

2. En ce qui concerne le fond, on s'était demandé si des modifications que les Etats signataires pourraient être amenés à apporter aux dispositions de leurs établissements militaires ou maritimes dans les régions visées par l'arrangement ne seraient pas considérées comme contraires au principe du maintien du *statu quo*. Pour écarter tout doute de ce genre—et vu le fait que les Gouvernements intéressés sont, paraît-il, unanimes à reconnaître que l'arrangement à signer ne vise que la question du *statu quo* territorial et que, par conséquent, il ne saurait être invoqué dans le cas où il s'agirait de la question de l'exercice des droits de souveraineté des parties contractantes,—le Gouvernement Impérial propose de signer à quatre, simultanément avec la signature de l'acte principal, un mémorandum spécial, d'après le projet ci-annexé, se bornant à exprimer exactement ce point de vue des quatre Cabinets.

St. Pétersbourg, le 15/28 mars 1908.

(b.)

[Swedish] Aide-Mémoire.

Stockholm, April 8, 1908.

Le Gouvernement du Roi ayant pris connaissance avec un vif intérêt des projets de déclaration et de mémorandum qui suivis d'un aide-mémoire lui ont été transmis par l'intermédiaire de la Légation du Roi à St. Pétersbourg se permet à l'égard de ces documents de faire les appréciations suivantes :

1. Le Gouvernement du Roi est tout disposé à signer le projet de déclaration qui d'après sa manière de voir ne peut que contribuer à confirmer la paix dans les eaux baltiques. En outre le Gouvernement du Roi tient tout spécialement à exprimer sa vive reconnaissance de l'accueil favorable que le Gouvernement Impérial a bien voulu donner à sa proposition concernant la forme de l'arrangement en question. Le fait qu'un seul acte est signé par toutes les quatre Puissances met cet acte en pleine harmonie avec celui qui simultanément va être signé par les Puissances de la Mer du Nord et donne ainsi une expression encore plus significative du désir commun des Puissances du Nord de l'Europe de garder la paix et le *statu quo* territorial actuel;
2. Le Gouvernement du Roi partage entièrement la manière de voir du Gouvernement Impérial exprimée dans le mémorandum ci-dessus mentionné.

D'après l'avis du Gouvernement du Roi le mémorandum projeté tout en ne portant pas préjudice aux traités existants constate que la déclaration ne peut pas être invoquée, quand il s'agit de la question de l'exercice des droits de souveraineté des parties contractantes. Le Gouvernement du Roi se rallie aussi sur ce point à l'opinion émise par le Gouvernement Impérial et se déclare prêt à signer le mémorandum proposé.

Stockholm, le 8 avril 1908.

(c.)

Déclaration.

Sa Majesté le Roi de Suède, Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, Sa Majesté le Roi de Danemark et Sa Majesté l'Empereur de toutes les Russies, désirant consolider les liens de bon voisinage et d'amitié qui unissent leurs États et contribuer par là à la conservation de la paix générale et reconnaissant que leur politique par rapport aux régions de la mer Baltique a pour objet le maintien du *statu quo* territorial actuel,

Leurs Gouvernements déclarent par le présent acte qu'ils sont fermement résolus à conserver intacts les droits de Sa Majesté le Roi de Suède, de Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, de Sa Majesté le Roi de Danemark et de Sa Majesté l'Empereur de toutes les Russies sur Leurs possessions continentales et insulaires respectives dans les dites régions.

Dans le cas où le *statu quo* territorial actuel dans les régions de la mer Baltique serait menacé par des événements quelconques, les quatre Gouvernements signataires de la présente Déclaration entreront en communication pour se concerter sur les mesures qu'ils jugeraient utile de prendre dans l'intérêt du maintien du *statu quo*.

En foi de quoi les Plénipotentiaires, dûment autorisés à cet effet, ont signé la présente Déclaration et y ont apposé les cachets de leurs armes.

Fait en quatre exemplaires à S[ain]t-Pétersbourg, le 10/23 avril 1908.

(L.S.)	(signé)	EDV. BRÄNDSTRÖM.
(L.S.)	(signé)	F. POURTALES.
(L.S.)	(signé)	P. LÖVENÖRN.
(L.S.)	(signé)	ISWOLSKY.

Pour copie conforme.

Stockholm au Ministère des Affaires Etrangères, le 20 mai 1908.

Le Secrétaire Général p.i.
BLOMSTEDT.

(d.)

Mémoire.

Au moment de signer la déclaration en date de ce jour, les Soussignés, d'ordre de leurs Gouvernements respectifs, croient devoir préciser

que le principe du maintien du *statu quo*, consacré par la susdite déclaration, ne vise que l'intégrité territoriale de toutes les possessions actuelles, continentales et insulaires, des Hautes Parties contractantes dans les régions de la Mer Baltique et que, par conséquent, le dit arrangement ne pourra d'aucune manière être invoqué lorsqu'il s'agira du libre exercice des droits de souveraineté des Hautes Parties contractantes sur leurs possessions respectives susmentionnées.

Fait en quatre exemplaires à Saint-Pétersbourg, le 10/23 avril 1908.

(L.S.)	(signé)	EDV. BRÄNDSTRÖM.
(L.S.)	(signé)	F. POURTALES.
(L.S.)	(signé)	P. LÖVENÖRN.
(L.S.)	(signé)	ISWOLSKY.

Pour copie conforme.

Stockholm au Ministère des Affaires Etrangères, le 20 mai 1908.

Le Secrétaire Général p.i.
BLOMSTEDT.

CHAPTER LXV.

THE SECOND HAGUE PEACE CONFERENCE.

I.—PRELIMINARIES.⁽¹⁾

No. 157.

Foreign Office Memorandum of September 23, 1905.

Confidential. 8618.

The annual Conference of the Inter-Parliamentary Union was held in 1904 at St. Louis in connection with the World's Fair. By the unanimous vote of Delegates, active or retired Members of the American Congress and of every Parliament in Europe, with two exceptions, the following Resolution was adopted:—

Mr. Hay,
1st Circular,
October 21, 1904.

“Whereas, enlightened public opinion and modern civilization alike demand that differences between nations should be adjudicated and settled in the same manner as disputes between individuals are adjudicated, namely, by the arbitrament of Courts in accordance with recognized principles of law, this Conference requests the several Governments of the world to send Delegates to an International Conference, to be held at a time and place to be agreed upon by them, for the purpose of considering—

“1. The questions for the consideration of which the Conference at The Hague expressed a wish that a future Conference be called.

“2. The negotiation of Arbitration Treaties between the nations represented at the Conference to be convened.

“3. The advisability of establishing an International Congress to convene periodically for the discussion of international questions.

“And this Conference respectfully and cordially requests the President of the United States to invite all the nations to send Representatives to such a Conference.”

The President accepted the charge offered to him, feeling it to be most appropriate that the Executive of the nation which had welcomed the Conference should give voice to its utterances.

In accepting this trust the President was not unmindful of the fact that a great war was then in progress. He recalled the circumstance that at the time when, on the 24th August, 1898, His Majesty the Emperor of Russia sent forth his invitation to the nations to meet in the interests of peace, the United States and Spain had merely halted, in their struggle, to devise terms of peace. The fact of an existing war was, however, no reason why the nations should relax the efforts they had so successfully made hitherto toward the adoption of rules of conduct which might make more remote the chances of future wars between them. In 1899 the Conference of The Hague dealt solely with the larger general problems which confronted all nations, and assumed no function of intervention or suggestion in the settlement of the terms of peace between the United States and Spain. It might be the same with a reassembled Conference. Its efforts would naturally lie in the direction of further codification of the universal ideas of right and justice called international law; its mission would be to give them future effect. He accordingly directed that the United States' Representatives to the Governments who had been parties to The Hague Convention should ascertain the feelings of those Governments in the matter.

In the Circular addressed to the United States' Representatives it was stated that it seemed premature to couple the tentative invitation thus extended with a categorical programme of subjects of discussion. It was only by comparison of views that a general accord could be reached as to the matters to be considered by the new Conference. It was desirable that in the formulation of a programme the distinction should be kept clear between the matters which belonged to the province of international law and those which were conventional as between individual Governments. The Final Act of The Hague Conference, dated the 29th July, 1899, kept this distinction clearly in sight. Among the broader general questions affecting the right and justice of the relation of sovereign States, which were then relegated to a future Conference, were the rights and duties of neutrals; the inviolability of private property in naval warfare; and the bombardment of ports, towns, and villages by a naval force. The other matters mentioned in the Final Act took the form of suggestions for consideration by interested Governments.

Matters closely affecting the rights of neutrals were the distinction to be made between absolute and conditional contraband of war, and the inviolability of the official and private correspondence of neutrals.

(1) [The German side of the period here covered is given in *G.P.* XXIII, I, pp. 57-64. For the Hague Conference of 1899 *v. Gooch & Temperley*, Vol. I, ch. VI, pp. 215-32.]

The President expressed the hope that the Second Peace Conference might, like the first, be held at The Hague.

The Circular was communicated to His Majesty's Government on the 4th November, 1904.

To Sir M. Durand,
No. 245,
November 4,
1904.

To Mr. Choate,
November 7,
1904.

In reply, His Majesty's Government welcomed with much satisfaction the initiative taken by the President, and expressed their pleasure to co-operate with the United States' Government in so important a matter.

In recording their readiness to participate in such a Conference, His Majesty's Government reserved to themselves the right of further considering the following points:—

- (a.) The subjects which might be brought before the Conference; and
- (b.) The time at which it should be held.

To Sir C. Hardinge,
No. 402,
November 7,
1904.

The Russian Government at once inquired the views of His Majesty's Government, and said that they were entirely opposed to the assembling of such a Conference, as they considered the moment of war very inopportune for a discussion of the subjects proposed by the United States' Government.

They were informed of the reply sent to Mr. Hay's Circular.

Sir C. Hardinge,
No. 597,
November 16,
1904.

A semi-official communication appeared in the Russian press traversing Mr. Hay's statement in the Circular in comparing the war proceeding between the United States and Spain at the time of the first Peace Conference, with the Russo-Japanese War, and asserted that it was impossible to identify the two situations.

Sir H. Howard,
No. 155,
Confidential,
November 24,
1904.

The Netherland Government declared themselves perfectly willing to receive a second Hague Conference, and stated that as soon as the necessary Agreement, both as to the principle and the date of that Conference, had been established by the Powers, and more especially by the august promoter ("initiateur") of the first Conference, His Majesty the Emperor of Russia, the Government of the Queen would be very glad to enter into *pourparlers* with the Government of the United States in regard to the programme which might be submitted to the Conference.

The Italian Government accepted the invitation on the same lines as His Majesty's Government.

Mr. Lister,
No. 177,
November 19,
1904.

Sir E. Monson,
No. 609,
November 25,
1904.

The French Government saw no reason to hurry their answer as the holding of such a Conference could not be practicable as long as the war lasted between Russia and Japan. They presumed that all the Powers would be of the same opinion, and would answer in the same sense.

To Mr. Choate,
November 28,
1904.

On further consideration of the matter His Majesty's Government informed the United States' Government that in regard to their reservation as to the time when the Conference should be held, they were prepared to accept the date at which the President might eventually determine to summon it, and they expressed their conviction that the date would, no doubt, be fixed in accordance with the general convenience of all the Powers concerned.

Sir C. Greene,
No. 20, Treaty,
November 23,
1904.

The Swiss Government accepted the invitation on the understanding that The Hague Conference should in no way interfere with the eventual discussion of the programme of the proposed Geneva Conference,* for which invitations had been issued, but which was indefinitely postponed in the month of February 1904 in consequence of the outbreak of the Russo-Japanese war.

Sir C. MacDonald,
No. 314,
Telegraphic,
December 9,
1904.

The Japanese Government replied that the fact that they were engaged in war did not, in their opinion, provide any sufficient reason for their declining to take part in the work of the proposed Conference, so long as it did not take, or assume to take, any action relative to, or bearing in any way upon, the conflict then proceeding. Subject to this single reservation, the Japanese Government accepted the invitation extended to them.

Mr. Choate,
December 27,
1904.

On the 27th December, 1904, Mr. Choate communicated to Lord Lansdowne a further Circular.

The Circular stated that the replies so far received indicated that the proposition had been received with general favour. No dissent had been expressed. The Governments of Austria-Hungary, Denmark, France, Germany, Great Britain, Italy, Luxemburg, Mexico, the Netherlands, Portugal, Roumania, Spain, Sweden and Norway, and Switzerland had exhibited sympathy with the purposes of the proposal, and had generally accepted it in principle, with the reservation in most cases of future consideration of the date of the Conference and the programme of subjects for discussion. The replies of Japan and Russia conveyed in like terms a friendly recognition of the spirit and purposes of the invitation, but on the part of Russia the reply had been accompanied by the statement that, in the existing conditions of things in the Far East, it would not be practicable for the Imperial Government at the moment to take part in such a Conference. Japan made the reservation only that no action should be taken by the Conference relative to the war then in progress.

* Invitations were issued by Switzerland early in February 1904 to a Conference, to be held in May of that year, to consider the revision of the Red Cross Convention of 1864.

The President was much gratified at the reception of his overtures, and the prospect of an early Conference was regarded as assured as soon as the interested Powers were in a position to agree to a date and place of meeting and to join in the formulation of a general plan for discussion.

Pending a definite agreement for meeting when circumstances should permit, it seemed, however, desirable that a comparison of views should be held as to the scope and matter of the subjects to be brought before the Second Conference. The invitation put forth by the Government of the United States did not attempt to do more than indicate the general topics which the Final Act of the First Conference of The Hague relegated, as unfinished matters, to consideration by a future Conference, adverting, in connection with the important subject of the inviolability of private property in naval warfare, to the views expressed by the Congress of the United States in its Resolution adopted on the 28th April, 1904, with the added suggestion that it might be desirable to consider and adopt a procedure by which States non-Signatory to the original Acts of The Hague Conference may become adhering parties. In the present state of the project the United States' Government was still indisposed to formulate a programme.

In view of the virtual certainty that the President's suggestion of The Hague as the place of meeting of a Second Peace Conference would be accepted by all the interested Powers, and in view also of the fact that an organized representation of the Signatories of the Acts of 1899 now existed at that capital, the United States' Government felt that it should not assume the initiative in drawing up a programme, nor preside over the deliberations of the Signatories in that regard. It seemed to the President that the high task he undertook in seeking to bring about an agreement of the Powers to meet in a Second Peace Conference was virtually accomplished, so far as it was appropriate for him to act, and that, with the general acceptance of his invitation in principle, the future conduct of the affair might fitly follow its normal channels. It was accordingly suggested that the further and necessary interchange of views between the Signatories of the Acts of 1899 should be effected through the International Bureau under the control of the Permanent Administrative Council of The Hague. It was believed that by utilizing the central representative agency established and maintained by the Powers themselves, an orderly treatment of the preliminary consultations might be insured, and the way left clear for the eventual action of the Government of the Netherlands in calling a renewed Conference to assemble at The Hague should that course be adopted.

In reply to this communication His Majesty's Government stated that they had no objection to take part in a preliminary discussion, if one were initiated, as to the scope and matter of the subjects to be brought before the Conference. They preferred, however, for their part also, not to present any proposals on this subject until a more definite agreement was arrived at as to the approximate date at which the Conference should be held.

The Siamese, Chinese, Turkish, and Montenegrin Governments have since accepted the invitation to the Conference.

The Swiss, Italian, Mexican, and Portuguese Governments have signified their concurrence in the method proposed in Mr. Hay's second Circular for an exchange of views.

To Mr. Choate,
January 11,
1905.

Sir H. Howard,
No. 34,
February 28;
No. 44,
March 20;
No. 72, May 3;
No. 79, May 10,
1905.

In acknowledging the receipt of Mr. Hay's second Circular, the German Government expressed their readiness to take into consideration the subject of a programme.

As regards the suggestion that the interchange of views respecting the programme should take place through the intermediary of the International Bureau at The Hague, in itself entirely acceptable to the Imperial Government, it appeared to them, however, doubtful whether that method would lead to the desired result: for, according to the agreement arrived at by The First Hague Peace Conference, and under the decisions then made, the International Bureau was given authority to perform the clerical work of the Permanent Court of Arbitration, and its services were placed at the disposal of the Signatory Powers for any special Court of Arbitration; but it was not charged with any duties other than those which served directly the purpose of international arbitration. The German Government were therefore of opinion that the Bureau could not assume of its own accord the part of an intermediary in the manner proposed by the United States, but would be obliged first to obtain the consent thereto of all the Signatory Powers. And, further, that Bureau, which was specifically described in The Hague Convention as the record office for the Court ("greffe"), would neither occupy the position nor have the organization to enable it to adjust such differences of opinion as might arise in connection with the drawing up of a programme. Its functions would be restricted, therefore, to obtaining the interchange of declarations and counter-declarations between the several Powers, and, ultimately, to making a full statement of all the expressions of opinion that might have been handed in. It was scarcely to be expected that an agreement as to the drawing up of a programme could be arrived at in this manner.

Sir H. Howard,
No. 72,
May 3, 1905.

The Imperial Government believed, therefore, that the plan could be more expeditiously carried out if the Government of the United States retained in its own hands the negotiations relative to the drawing up of a programme.

The United States' Government, in reply, stated that the matter of formulating a programme would necessarily be determined by the consensus of the interested Signatory Powers which it was their desire to ascertain through the indicated channel. The suggestion of the German Government was highly appreciated, but as the matter then stood, further development of the sentiment of the Signatories was awaited before taking it into consideration.

The Queen of the Netherlands has expressed the pleasure it will give her to see accomplished in her capital a second part of the work commenced under the auspices of herself and the Emperor of Russia.

The Admiralty have drawn attention to points in connection with the rights of neutrals and the inviolability of private property which must be borne in mind when the Conference meets.

The Intelligence Division have furnished a note of glaring examples of the want of conformity with the "Regulations" of The Hague Convention, of the Russian "Instructions respecting the Laws of Customs of War on Land," issued on the 14th (27th) July, 1904, in accordance with Article I of the Convention.

These examples deal with matters which the Intelligence Division consider would affect the civil population of this country deeply.

The Russian Government have inquired the views of the Argentine, Brazilian, and Uruguayan Governments in regard to a new Conference.

An official communication appeared in the "Journal de Saint-Petersbourg" of the 19th September, 1905, stating that, contrary to reports from Washington announcing the intention of President Roosevelt to convoke a new Peace Conference, invitations to the Conference will be issued by the Russian Government to the Powers, with the cordial support of the President of the United States, who considers that the initiative of a second Conference should belong to the Emperor, the initiator of the First Peace Conference.

B[EILBY] A[LSTON].

Foreign Office, September 23, 1905.

[*ED. NOTE.*—The initiative in summoning a second Peace Conference was finally taken by Russia in a communication of April 3, 1906, addressed to the Powers signatory to The Hague Convention of 1899 and adhering Powers. This and other relevant documents are printed in *A. & P.* (1908), CXXIV, (*Cd.* 3857), pp. 583-764, *v.* also *G.P.* XXIII, I, pp. 101-254.]

No. 158.

Sir F. Bertie to Sir Edward Grey.

F.O. 371/72.

16776/16776/06/17.

(No. 208.)

Sir,

Paris, D. May 15, 1906.

R. May 16, 1906.

I have the honour to transmit to you herewith copies of an open letter addressed by Baron d'Estournelles de Constant to the French Minister of Marine⁽¹⁾ calling attention to your recent statement in the House of Commons on the question of the reduction of armaments,⁽²⁾ and suggesting that the French Government should take action in that direction. . . .⁽³⁾

I have, &c.

FRANCIS BERTIE.

⁽¹⁾ [Not reproduced. Published in *Le Temps* of May 13, 1906.]

⁽²⁾ [*cp. Parl. Deb.*, 4th Ser., Vol. 156, pp. 1412-5 (May 9). There was also a debate on reduction of armaments in the House of Lords on May 25, *v. Parl. Deb.*, 4th Ser., Vol. 157, pp. 1517-48. A speech by Lord Fitzmaurice appears on pp. 1530-6. A reference to this is made in a long minute by Mr. Fyre Crowe which is attached to the immediately succeeding document. The minute is omitted because of its length.]

⁽³⁾ [The remainder of the despatch is a comment on an article in *Le Temps* of May 15.]

MINUTES.

The principal difficulty about proportionate disarmament—no other being presumably in question—is and always will be that certain powers do not consider themselves, at a given time, safe from serious attack. If such a power has reason to fear the probability of an attack, it is obviously bound to spare no effort to improve its position as rapidly and as secretly as possible. Pending its defences being put in order, such power could not be a party to a stay of armaments.

I believe that in the eyes of the most competent Frenchmen, France is at present in that position. The chances of her agreeing to any measure of disarmament must therefore be remote and the wisdom of her doing so would be very doubtful.

E. A. C. May 16.

In face of German militarism other Powers cannot afford to disarm.

E. B.

It is clearly not for France to begin as regards her Army; nor can she stop increasing her Navy unless she was assured that she could depend upon ours.

E. G.

No. 159.

Sir F. Bertie to Sir Edward Grey.

F.O. 371/72.

17145/16776/06/17.

(No. 212.)

Sir,

Paris, D. May 17, 1906.

R. May 19, 1906.

With reference to my despatch, No. 208 of 15th instant⁽¹⁾ on the subject of France and the reduction of armaments, I have the honour to transmit to you herewith an extract from a speech delivered yesterday in Algeria by M. Thomson, Minister of Marine, in which he declared that it would be highly imprudent for this country to check her naval armaments.⁽²⁾ She was bound to maintain her rank as second naval Power in the world, and not to expose herself to the risk of losing it even for a few hours.

The Minister's observations were in the nature of a reply to the open letter addressed to him by Baron d'Estournelles de Constant advocating a reduction of armaments.⁽¹⁾

The "Temps" again reverts to the question of limiting French armaments in its issue of yesterday, and remarks that there were people preaching international conciliation and disarmament before 1870, but after Sedan they renounced the hope of seeing their ideals accepted. It was to be trusted that after the recent experience at Algeiras, the same thing would happen in the case of the "pacifistes" of to-day. . . .⁽³⁾

I have, &c.

FRANCIS BERTIE.

⁽¹⁾ [*v.* immediately preceding document.]

⁽²⁾ [Not reproduced.]

⁽³⁾ [The rest of this despatch is unimportant.]

No. 160.

Sir F. Bertie to Sir Edward Grey.

Private.⁽¹⁾

My dear Grey,

British Embassy, Paris, June 1, 1906.

Any proposals made by H[is] M[ajesty's] Gov[ernment] for reductions in armaments will be sympathetically received here and particularly by Monsieur Bourgeois who in theory is in favour of some arrangement; but unless Germany

⁽¹⁾ [Grey MSS., Vol. 10.]

sets the example in regard to her navy France will certainly not reduce her naval program[me] not even if we offered her a defensive alliance with ourselves with suggestions that she should diminish her expenditure on her navy and rely on our Fleets to assist in protecting her Coasts and commerce. The contention here is that France is only endeavouring to keep her place as a Great Naval Power and to supply herself with the means of resisting attack whereas Germany who has but little coast to guard and few Colonies to defend is building a Navy for purpose of aggression. If France were to reduce her Navy and to rely on us to aid her against attack from the sea her policy would have to be entirely dependent on what we might desire and dictate to her, and in the event of a quarrel with us she would be weaker than she is now as regards our Navy.

The conviction here is that as soon as Germany feels herself strong enough navally she will beg borrow or steal points d'appui for her Navy and that she will become a Mediterranean Power by arrangement with the Turk.

Yours sincerely,

FRANCIS BERTIE.

MINUTE BY KING EDWARD.

I entirely agree with remarks in this letter.

E.R.

No. 161.

Sir Edward Grey to Sir F. Bertie.

F.O. 372/23.

25521/11592/06/329.

(No. 54.) Treaty.

Sir,

Foreign Office, July 24, 1906.

I told M. Cambon to-day that I wished to speak to him unofficially about the Hague Conference.

I was not yet in a position to say definitely what our proposals or views would be, but it might be useful to him to know in advance the forms they were likely to take on the question of the reduction of armaments or the limitation of expenditure upon them.

Next year we should be able to make a reduction ourselves on Army estimates and on Navy estimates. I could not yet say what the exact amounts would be, but there would be some reduction on both. We should further be in a position, with regard to the Navy, to promise to develop still further in future years this process of reduction, provided we received encouragement at the Hague Conference.

We were therefore going to suggest to the Russian Government that this question should be discussed.

I felt sure that such a discussion could not be disagreeable to France, because though she was spending largely she was not really forcing the pace or taking the lead in expenditure of this kind, and all we she should ask from her would be that she should receive our proposal sympathetically and declare herself ready to support it, provided it also received practical support from other Powers.

M. Cambon said he proposed to let M. Bourgeois know what I had told him.

I said he might certainly do so if he made it clear it was said unofficially, and merely as a preparation for something which might take a more definite shape later on.

M. Cambon said, speaking also unofficially and informally, that there were other questions, such as the rights of neutrals and contraband of war, on which the English and French Governments had not on former occasions agreed. He thought it very desirable that we should come to some agreement upon them before the Conference

met, in order that we might present at the Hague Conference, as on other occasions in Europe, a united front. I said these were very important questions. There was also the question of the immunity of private property from capture in time of war. All these points were being discussed by an Inter-Departmental Committee here, which would make a report on them. As soon as this report had been considered by the Cabinet, we would communicate our views to the French Government, so that we might compare notes with the object of coming to an agreement.

I also said that the United States would possibly take a very active part in these questions, and I hoped to ascertain what views they were likely to take on the various points. We might perhaps find ourselves all three in agreement.

I am, &c.

EDWARD GREY.

M. Cambon spoke with great appreciation of the Prime Minister's speech at the Inter-Parliamentary Union,⁽¹⁾ a gathering which he said was not ineffective. I agreed, and added that as regards the question of the limitation of expenditure on armaments, the matter really rested with the Parliaments. It was through the pressure which they might bring to bear on their Governments that any results would be obtained. We had sometimes been held up to other Parliaments as the nation which was forcing the pace and necessitating expenditure. This had been done, I thought, especially in Germany. And now we were anxious to make it clear that we were not forcing the pace, and to get this recognised, in the hope that public opinion abroad would discourage increased expenditure by other Governments, but I admitted that the key of the situation was held by Germany.

(¹) [On July 23.]

No. 162.

Sir Edward Grey to Sir M. Durand.

F.O. 372/23.

25673/11592/06/329.

(No. 24.) Treaty.

Sir,

Foreign Office, July 25, 1906.

I told the American Ambassador to-day that we should tell the Russian Government that we should like to see discussed at the Hague Conference the question of the reduction or limitation of expenditure on armaments.

We ourselves would be able to announce, next year, some reductions on both the Army and the Navy. At the Conference, we should be prepared to propose still further reductions on the Navy in future years, provided the other Powers would do something of the same kind.

I wished to let the American Government know that this was in our mind, and I should like to know, later on, what their views were.

We did not undertake, nor were we specially anxious, to initiate this discussion ourselves, but we wished the American Government to know that when it was brought forward at the Hague Conference we would be ready to support it, both by precept and by example.

With regard to other matters, such as the immunity of private property from capture at sea, the rights of neutrals, contraband, and so forth, the Government here were going to discuss them in the autumn. As soon as we had formed our opinions upon them, I should be glad to let the United States' Government know what our views were, in the hope that we might find ourselves in agreement.

The Ambassador promised to communicate what I had said to his Government, and agreed that it would be very desirable that we should mutually compare our views.

[I am, &c.
E. GREY.]

[*ED. NOTE.*—Some sensation was caused by an article in the *Daily Telegraph* of July 31, 1906, which pointed out the difficulties of Germany's geographical situation and the impossibility of her disarming, *v. G.P. XXIII, I, p. 77.*]

No. 163.

Sir F. Lascelles to Sir Edward Grey.

F.O. 371/78.

28290/25838/06/18.

(No. 254.) Confidential.

Sir,

Homburg, D. August 16, 1906.

R. August 20, 1906.

With reference to my preceding despatch of this day's date,⁽¹⁾ I have the honour to report that yesterday evening the Emperor again reverted to the question of the Hague Conference. He said that he had again spoken to the King on the subject and had suggested, apparently with His Majesty's approval, the advisability of an exchange of ideas between the two Governments on the important questions which might be brought before the Conference, more especially with regard to maritime law and the respective rights of neutrals and belligerents. Unless some understanding could be arrived at beforehand, it was probable that the Conference, which he still hoped would not take place, would do harm rather than good. Would it therefore be possible for some naval experts of our two Countries to meet and discuss these important matters with the view of arriving at an understanding with regard to them. There was however one point on which he had definitively made up his mind, and that was that if the question of disarmament were to be brought before the Conference he should decline to be represented at it. Each State must decide for itself the amount of military force which it considered necessary for the protection of its interests and the maintenance of its position, and no State could brook the interference of another in this respect. Germany some 9 years ago had drawn up a programme for building the naval force which she considered she required. No objection was raised by England at the time although the programme was perfectly well known, and it was only when it was being carried into execution that it came to be considered as a menace to British superiority. England had adopted what was known as the two-Power standard, and no other State had the right to raise any objection. Personally His Majesty was of opinion that this policy might entail a too heavy burden on the taxpayer, more especially since other Powers had largely increased their naval construction, and he believed that the better principle was that every Power should do what it considered necessary for its requirements without binding itself to maintain a force equal to that of any two other Powers. This principle had been clearly laid down by Count Moltke with regard to the military requirements of Germany. At one time His Majesty's Grandfather had contemplated the advisability of raising the German military forces to an equality with those of France and Russia combined. Count Moltke had deprecated the idea and pointed out that what Germany required was a force sufficient to repel invasion which need not be numerically equal to the forces of her two neighbours. The point His Majesty wished to make was that every Nation had a perfect right to

(1) [Not reproduced. The document cannot be traced.]

maintain the military and naval force which she considered necessary, and, so far as Germany was concerned, he could not admit that such a question should be submitted to a Conference.

His Majesty alluded to the troubles in South West Africa and dwelt strongly on the necessity of the white races acting together in that continent. There seemed to be a spirit of unrest among the black races in Africa, and he believed that the possibility of a general rising of the blacks was a far greater danger to the white man in Africa than the recrudescence of Mussulman fanaticism of which so much had been said.

The conversation then turned to the state of affairs in Russia. His Majesty did not believe in a Russian Revolution. He doubted the possibility of a combination between the different parts of such an enormous Country. The disorders which had taken place and which had entailed a vast amount of hardship and suffering were rather in the nature of a "Jacquerie" than of a revolution. They had been described as local disturbances, but it must be remembered that the "localities" in Russia were of very large extent, and the difficulties of restoring order in so many different places were so great that probably a long time would be required before the disturbances were quelled. The want of cohesion between the different parts of Russia was so great that His Majesty did not believe that they would combine to effect a political revolution.

I have, &c.

FRANK C. LASCELLES.

MINUTES.

(The Emperor's remarks on the subject of disarmament are characteristic and interesting.)
G. S.

He expressed the hope that the Peace Conference would not take place.

E. B.

Print but do not circulate to Cabinet yet.

As to maritime law, neutral and belligerent rights, &c., we must first have a report from our own experts who form the interdepartmental committee. We can then exchange views if desired with other leading Powers, but it cannot be with Germany alone. It would not do to go to the Hague having come to a private agreement with Germany, which might bring us into conflict for instance with the U[nited] S[tates] Gov[ernmen]t.

"Disarmament" will not be discussed at the Hague Conference; but the U[nited] S[tates] Gov[ernmen]t have announced to Russia that they reserve the right to raise the question of reduction of armaments; we have said to Russia that we are favourably disposed to the discussion of the question and in reply to the information given by the U[nited] S[tates] Ambassador I have said that we should welcome the initiative of the U[nited] S[tates] Gov[ernmen]t in the matter. The Emperor must take his own course; he can render the whole discussion abortive, but it is a grave responsibility to take.

He is entitled to claim a free hand in expenditure as a matter of right; the question is not one of right but of expediency.

I do not think his analogy between naval and military force required for defensive purposes is sound. To defend the United Kingdom we must be able to take the offensive outside our own territory at sea and drive our enemy off the sea. If we are placed on the defensive we are ruined. We must therefore have a naval force superior to our enemy or enemies. A military power on the other hand by acting on the defensive can put even a superior enemy in the inferior position by obliging him to fight in a hostile country prepared for defence.

E. G.

MINUTE BY KING EDWARD.

I remember that the G[erman] Emperor laid great stress on the subject of England and Germany discussing before the Hague Congress such matters relating to Maritime Law and the respective rights of neutrals and Belligerents. I said that I thought it was a matter that both Gov[ernmen]ts should take into consideration.⁽²⁾

(2) [For the Emperor William II's report of this conversation to President Roosevelt, and for a message of the latter to King Edward, v. Sir Sidney Lee: *King Edward VII* (1927), II, pp. 437-9, 529-30 and *Scribner's Magazine* (April, 1920), v. also the Emperor's report of August 15, 1906, G.P. XXI, II, pp. 455-6; and XXIII, I, pp. 84-6.]

In fact I could not well give any other answer. Should it be deemed expedient that naval experts of both countries were to meet and discuss these important matters there is no doubt that France and U[nited] S[tates] of America should be cognizant of them. I touched on the subject with Sir J. Fisher a few days ago and he was entirely of the same opinion.

E.R.

Sept. 1, 1906.

[*ED. NOTE.*—On August 21, the Emperor, to avoid discussions on disarmament, decided against an Inter-Parliamentary Conference being held in Berlin, *G.P.* XXIII, 1, pp. 80–1.]

No. 164.

Sir Edward Grey to Sir F. Bertie.

F.O. 371/78.

30285/25838/06/17.

(No. 474.) Confidential.

Sir,

Foreign Office, September 7, 1906.

I told the French Ambassador, who came to see me on the 29th ult[imo], that the recent meeting between H[is] M[ajesty] the King and the German Emperor at Cronberg had passed off very well. The object had been to have a personal and friendly meeting without raising difficult questions. H[is] M[ajesty] had purposely left political matters to be discussed by Sir Charles Hardinge, who had in consequence had conversations both with the Emperor and German Minister for Foreign Affairs, but no questions had been initiated by the King or by Sir C. Hardinge.

Herr von Tschirshky had complained of the designs attributed to Germany by the foreign press, which were, His Exc[ellency] said, without foundation. Germany had no intention either of attacking France or of absorbing Holland and Belgium, and he expressed the hope that H[is] M[ajesty's] Gov[ernment] would do whatever they could to diminish in Paris the distrust felt of Germany. He had been informed in reply that what was required to improve the relations between the two countries was time and no new cause of friction.

Herr von Tschirshky's language had been all that was proper and was in no degree embarrassing.

The Emperor's conversation had been more unforeseen; H[is] M[ajesty] had expressed his aversion to the prospective conference at the Hague; especially was he opposed to any discussion of the reduction of armaments. But if the Hague Conference had to take place he desired that there should be a preliminary discussion between the Naval Authorities of Great Britain and Germany so that a previous agreement might be arrived at between the two Powers in regard to question connected with Maritime Law.

With regard to France the Emperor had stated that He had never intended to attack her last winter when there was talk of war, but H[is] M[ajesty] had characteristically remarked that if there were to be a question of war he was confident in the military strength of Germany.

I told M. Cambon that I should reply to the Emperor's request for a preliminary discussion between the Gov[ernment]s of Great Britain and Germany in regard to Maritime Law to the effect that H[is] M[ajesty's] Gov[ernment] must first decide upon their own view of these questions; that when they had done so there would be no objection to an exchange of views. But I added that we should not propose to have an exchange of views with Germany alone, and should certainly invite one with France and the United States.

M. Cambon was anxious that H[is] M[ajesty's] Gov[ernment]t should endeavour to come to an agreement with the French Gov[ernmen]t with regard to certain questions, such as contraband of war, about which the two Gov[ernmen]ts had hitherto been divided. I said that H[is] M[ajesty's] Gov[ernmen]t would certainly endeavour to do so and would inform the French Gov[ernmen]t of their views.

M. Cambon also remarked that if Germany desired to take some step with a view to improving her relations with France a more friendly attitude about Morocco, of which there was as yet no sign, was the step required.

I am, &c.

E. G[REY].

No. 165.

Sir M. Durand to Sir Edward Grey.

F.O. 372/23.

31396/11592/06/329.

(No. 165.)

Sir,

Lenox, D. September 7, 1906.

R. September 17, 1906.

I have the honour to transmit herewith a dispatch as marked in margin, which has been addressed to me by Count Gleichen, Military Attaché to this Embassy, on the subject of an interview with the President which took place at Oyster Bay on the 31st ultimo.

I have, &c.

H. M. DURAND.

Enclosure in No. 165.

Count Gleichen to Sir M. Durand.

(No. 16.)

Sir,

New York, September 2, 1906.

As it was probable that I should not meet the President again before my return to England next January, I asked last week for a farewell audience, and he invited me to luncheon at his house at Oyster Bay on the 31st ult[imo].

Before luncheon he took me aside into the passage, and after giving me a message of a private nature for the King (which I have written to His Majesty by this bag),⁽¹⁾ he abruptly changed the subject and spoke to the following effect:—

“I have been thinking about this Hague Conference, and I quite agree with Captain Mahan that it is absurd for the different nations to try and outvie each other in building big battle-ships: it only leads to an unnecessary outlay of money. I think that the “Dreadnought” is quite as big as any ship need be, and my idea is that it should be brought forward as a proposal at the Hague Conference that no ship should in future be built bigger than the “Dreadnought.” I wish you would put it before your Government and ask them what they think of it. Of course, we should meet with opposition from the Kaiser, but that can't be helped.

“I want you also to tell your Government that I intend to back them up thoroughly in the Hague Conference. I know Germany won't expect it, and I am sure she won't like it, as she seems to think that I should be on her side; but I mean to back up the British Government all the same. In any case tell Sir Edward Grey and Mr. Haldane that they must not let themselves be led away by sentimental ideas at the Conference. Wars are not conducted on sentimental principles, and I am afraid of the present Government giving way to the noisy sentimentality of their followers, in opposition to their own good sense.”

⁽¹⁾ [v. Sir Sidney Lee: *King Edward VII*, (1927), II, pp. 437-8.]

This latter message (to Sir E. Grey, &c.) he repeated to me with much emphasis, and repeated it again subsequently at the luncheon-table—the only other guests being Americans.

I confess to having been somewhat surprised at the unconventionality of the President's method of sending a message to another Government, but transmit it to Your Excellency without further remark, as nearly as possible in the words in which I received it. . . .⁽²⁾

I have, &c.

GLEICHEN, *L[ieutenant]-Col[onel]*,
Mil[itar]y Attaché.

MINUTES.

I think a proposal that the Conference s[houl]d lay down that no man of war is to exceed a certain size would only be laughed at.

F. A. C.
18/9.

The attitude of the President to The Hague Conference is most important.

C. H.
E. G.

⁽²⁾[The remainder of this despatch refers to another subject which has no bearing on European affairs. For a report upon a conversation of about the same date between President Roosevelt and the German Ambassador at Washington (Baron Speck von Sternburg), *v. G.P. XXIII, I, pp. 88-9.* The exact date of the conversation is not given.]

No. 166.

Sir Edward Grey to Sir M. Durand.

F.O. 372/23.

35171/11592/06/329.

(No. 35.) Treaty. Confidential.

Sir,

Foreign Office, October 17, 1906.

The American Ambassador spoke to me to-day on the subject of the Hague Conference.

With regard to the reduction of armaments, he told me that the President's view was that the United States were not in the same position as European countries. Their Navy, for instance, was much smaller in proportion to the size of the United States than was the case in some countries in Europe. The President's opinion on the general question was that sufficient naval and military force should be kept up to make the higher civilisations masters of the world.

He wished to say that his Government would be very glad to have our views on the questions which were likely to be discussed at the next Hague Conference, more especially in relation to the exemption of private property from capture at sea. They welcomed our proposal that there should be an exchange of views between us before the Conference met. He asked me when we were likely to be able to begin this exchange.

I said that the Inter-Departmental Committee of experts on these questions of maritime law and the rights of neutrals must first make a report. If there was a difference of opinion between the Committee, the matter would have to be settled by the Cabinet as one of policy. Until that had been done, I should not be in a position to make a communication on these questions. As regards the exemption of private property from capture at sea, difference of opinion had hitherto prevailed in this Country.

The Ambassador said that the same had been the case in the United States, and as a matter of fact their Delegates had differed on this question at the last Conference.

I said I was sure we would desire that all our Delegates should receive the same instructions with regard to this and similar questions at the next Conference, and that was why it was necessary for us to discuss them first at home.

[I am, &c.]
E. G[REY].

No. 167.

Sir Edward Grey to Sir M. Durand.

F.O. 372/23.

37684/11592/06/329.

(No. 36.) Treaty. Confidential.

Sir,

Foreign Office, November 6, 1906.

The American Ambassador read to me to-day a private letter from Mr. Root with reference to the Hague Conference.

Mr. Root observed that Baron d'Estournelles de Constant had been expressing the opinion that the Conference had better not take place next year, because it would result in failure. Public opinion was not yet ready for it. Mr. Root did not share this view, because he considered that some of the subjects to be brought before the Hague Conference could only be advanced at all at the risk of failure, and before some of them were settled there would perhaps have to be many failures.

I said that I entirely agreed with this view. The prospects of the Conference would not be improved by putting it off. It was true that some of the subjects we proposed to discuss were not ripe for settlement, but they could only be ripened by being brought into the light. In the case of some of the subjects, such as the limitation of armaments, failure to arrive at a direct result at the Conference would not be total failure, because of the indirect effect it would have on public opinion. Mr. Root's letter went on to say that it might be proposed at the Conference to take all Navies as they existed at the present day, and to limit all future construction to repairs and renewals, in order to keep the Navies up to their present standard. He was aware that this proposal might be rejected. But any Power which refused to accept it would be placed under an additional obligation before public opinion to prove that it meant to keep the peace.

I remarked that this was very valuable as a definite suggestion from the United States. I did not suppose that we should raise any objection to it. But I could foresee at once the objection which might be taken by, for instance, Germany, who would say that her trade was increasing every year and her Navy must increase so as to keep pace with it, and might also add that the British Navy was now stronger than that of any other two Navies in Europe put together, and such a resolution would stereotype this for ever as the normal condition. But none the less I considered that a discussion and such a proposal would be useful in bringing home to public opinion the enormous waste of increasing expenditure, and in showing where the responsibility lay with regard to that expenditure.

Mr. Root further inquired what our opinion would be with regard to the Drago doctrine⁽¹⁾: the agreement not to collect by force the debts owed to private individuals by other countries.

I said I had not considered this question. A good deal would depend upon the definition of such debts. If it were merely a question of bondholders, it might be a comparatively simple matter. If, on the other hand, British subjects had legally acquired property or constructed a railway in a foreign country, and their property was confiscated, I did not see how we could bind ourselves not to use force to prevent injustice.

Mr. Whitelaw Reid showed me a paragraph giving an account of how the matter had been defined at Rio, and promised to send me a copy of it.

⁽¹⁾ [*v. infra*, p. 209, No. 178, *note*.]

I said that such a large amount of British money had been invested in countries of doubtful honour, under the impression that the British Government would prevent swindling, that I should have to consider this question very carefully with others.

Mr. Root further inquired my opinion as to the exemption of private property from capture at sea. He stated that his own opinion was that this exemption was undesirable, in spite of what the traditional view in the United States had been, because at present the fear of losing private property made the commercial classes factors for peace. The Hamburg-American Company, for instance, and the North German Lloyd, whose shipping was growing every year, were acquiring an increasing interest in the maintenance of peace. This interest would practically cease were they to think that their ships would be exempt from capture in time of war.

I asked whether Mr. Root had given any indication as to what the final opinion of the United States' Government would be on this question.

Mr. Whitelaw Reid said he had not yet done so.

I said that we had not yet come to a final decision either. But I could go a little way towards what it was likely to be by telling him that I heard our Inter-Departmental Committee were unanimously of opinion that the exemption of private property from capture at sea would not act as a deterrent from war, but would have the contrary effect. I further observed that it was very dangerous to encourage people to think that they might make war on limited liability. This would encourage them to speculate in war. I reminded Mr. Reid, however, that some very strong views had been expressed in this Country, notably by the Lord Chancellor, though only as a private individual before he was in office, in favour of this exemption, and I could not yet say what the decision of the Cabinet would be when it came to consider the Report of the Inter-Departmental Committee. It would be very useful if, before the matter was considered by the Cabinet, I could know what the final decision of the United States' Government was. Their settled opinion would no doubt be a factor in forming the decision to which we would come.

[I am, &c.]

E. G[REY].

No. 168.

Sir Edward Grey to Lord Knollys.

Private.⁽¹⁾

Dear Lord Knollys,

Foreign Office, November 12, 1906.

The despatch about the Hague Conference⁽²⁾ does not contain any instructions, but is only a record of a conversation, and is sent to Washington to keep the Embassy informed of what Mr. Root has said, as well as of my reply.

As to the question of policy, we could not resist the Conference without a sharp difference with the United States, and feeling in the House of Commons is strongly in favour of the Conference. I share that feeling personally, but even if I did not, I do not think it would be possible for the Government to oppose the Conference.

I have not forgotten what the German Emperor said to Hardinge;⁽³⁾ if he wishes to bring the Conference to nothing, he can probably do so, but it must be made clear that the responsibility for this is upon him and not upon us. He can, if the Reichstag votes the money, oblige us to add another ten or twenty millions a year to the Navy Estimates in the next few years, but if this is done, I want people here and in Germany, who will have to vote the money, to realize that it is he, who has forced our hand in spite of our wish to limit expenditure.

Yours sincerely,

E. GREY.

(1) [Grey MSS., Vol. 64.]

(2) [v. immediately preceding document.]

(3) [v. *supra*, p. 194, No. 164.]

No. 169.

Sir Henry Campbell-Bannerman to Sir Edward Grey.

10, Downing Street, Whitehall, S.W.,

Private.⁽¹⁾

November 12, 1906.

I concur in all you say in your letter to Lord Knollys.⁽²⁾

As to the Conference meeting in one year or another it does not much matter: but it must be kept alive whether an individual attempt at general understanding fails or not, and we are bound to be as helpful to it as we may, not only by our public promises but by our honest opinions.

H. C. B.

12 Nov.

⁽¹⁾ [Grey MSS., Vol. 64.]⁽²⁾ [v. immediately preceding document.]

No. 170.

Sir Edward Grey to Sir F. Bertie.

F.O. 372/23.

41019/11592/06/329.

(No. 78.) Treaty. Confidential.

Sir,

Foreign Office, December 5, 1906.

The French Minister called upon me to-day and stated that it appeared to M[onsieur] Pichon that there was no need either for the French Gov[ernmen]t or for H[is] M[ajesty's] G[overnment] to include in the programme of the Second Peace Conference the question of the limitation of armaments,—a subject that has been particularly excluded by the Russian Gov[ernmen]t, and with regard to which the views of the German Gov[ernmen]t were so well known. Should the initiative be taken by some other Government, by that of the United States, for instance, the French Gov[ernmen]t, and no doubt H[is] M[ajesty's] Gov[ernmen]t also, would be compelled to support it in order to satisfy public opinion.

I told Monsieur Geoffray that I agreed that the initiative had much better come from the United States' Gov[ernmen]t, and that, if it did so, we should strongly support it. Public opinion would however be very disappointed if nothing came of the proposal, and we felt very strongly that the Conference should not separate without having discussed the question.

I added that I recognized that any decision arrived at must be unanimous in order to be effective.

[I am, &c.]

E. G[REY].

MINUTE BY KING EDWARD.

App[rove]d.—E.R.

No. 171.

Sir F. Bertie to Sir Edward Grey.

F.O. 372/65.

1829/268/07/329.

(No. 6.) Treaty.

Sir,

*Paris, D. January 16, 1907.**R. January 17, 1907.*

I have the honour to transmit to you herewith extracted from "Le Matin"⁽¹⁾ an account of an interview with the Minister for Foreign Affairs on the subject of the forthcoming Conference at The Hague.

M. Pichon admits that he does not anticipate the discovery of the "secret of

⁽¹⁾ [v. *Le Matin*, January 16, 1907.]

peace," but as in 1899 he is sure that the Peace Conference of 1907 will do good, and that it will confine itself to realities and not attempt to bring about a Utopia.

"Profiting by the experience of late years," M. Pichon said, "it will ameliorate arbitration and especially that instrument that has done so much valuable work, namely International Commissions of Enquiry."

The fact that the question of peace is no longer discussed merely by philosophers, jurists, Utopists etc., but by responsible and powerful Governments shows the enormous strides made in the last few years in the domain of international politics.

I have, &c.

FRANCIS BERTIE.

No. 172.

Sir Edward Grey to Sir F. Bertie.

F.O. 372/65.

883/268/07/329.

(No. 9.) Treaty.

Sir,

Foreign Office, January 17, 1907.

I have received Y[our] E[xcellency]'s despatch No. 12 of the 8th Instant,⁽¹⁾ enclosing an Article from the "Matin," in which Mr. W. T. Stead is reported to have stated that he was authorized by the Prime Minister and myself to make certain declarations as to the policy of H[is] M[ajesty's] G[overnment] in connexion with the forthcoming Second Peace Conference⁽²⁾

I have referred Y[our] E[xcellency]'s despatch to Sir Henry Campbell-Bannerman, who informs me that Mr. Stead had no authority whatever to speak of him or for him.

As regards myself, it is true that Mr. Stead explained his views to me in conversation, but he has not been authorized to make any statement on my behalf, nor has he been informed that H[is] M[ajesty's] G[overnment] intended to make any such proposals at the Conference, nor have they come to any decision to do so.

I certainly expressed myself as desirous of promoting peace, but did not pledge myself or the Gov[ernmen]t to make any particular proposal.

I have thought it desirable to give Your Ex[cellency] the true facts in case questions are addressed to you, but it hardly seems necessary to volunteer any public contradiction, unless more serious notice is taken of Mr. Stead's alleged statement.

[I am, &c.]

E. G[REY].

MINUTES.

The Belgian Minister came to ask me about this [the article in *Le Matin* of January 8] to-day. I told him that it was true that Mr. Stead had explained his views to me and I thought he had very likely done so to the Prime Minister in conversation, but that he was not authorized to make any statement on our behalf, nor had his proposals been adopted. They were interesting, but entirely his own and he had not been told that we intended to make any such proposals at the Hague Conference. I had certainly expressed myself as desirous of promoting peace, but had not committed myself to make any particular proposal. I think Sir F. Bertie should have a reply in this sense, but refer the paper to the Prime Minister first.

E. G.

9.1.07.

Mr. Stead had no authority whatever to speak of me or for me.

H. C. B.

11.1.07.

(1) [Not reproduced. It merely forwarded the article from *Le Matin*. (F.O. 372/65. 883/268/07/329.)]

(2) [Mr. Stead is reported as having stated that he was not charged with any mission, official or unofficial, but that he had had long conversations before starting with both Sir Henry Campbell-Bannerman and Sir Edward Grey, "Et il y a certaines déclarations que je suis autorisé de faire en leur nom." These declarations were mainly in connection with schemes for preventing war, a subject which, it was said, Great Britain could raise at the Conference, if no one else did. "Il en a reçu l'assurance formelle de Sir Edward Grey, et il est autorisé à faire connaître cette assurance."]

No. 173.

Sir Edward Grey to Sir F. Bertie.

F.O. 372/65.

2468/268/07/329.

(No. 11.) Treaty.

Sir,

Foreign Office, January 18, 1907.

Monsieur Cambon told me to-day that Professor Maartens was coming to Berlin,⁽¹⁾ Paris, and London, to sound the Powers with reference to the discussion at the Hague Conference of the reduction or limitation of armaments.

The position was, apparently, that the United States desired such a discussion; England also desired it; France would not take the initiative, but did not wish to prevent such a discussion from taking place; the German Emperor had said that he would not attend the Conference if such a discussion did take place; and Russia would prefer not to have the discussion.

I said I thought the last statement might be put in the form that Russia did not want to offend Germany in the matter. It was quite true that we wished the discussion to take place, and I was quite content that the initiative should be taken by the United States. As, however, great interest was taken in the matter by the British Parliament, I must be in a position to explain quite clearly, if no discussion took place, why this was so.

I am, &c.

[E. GREY.]

(1) [*v. G.P. XXIII, I, p. 103.*]

No. 174.

Mr. Cartwright to Sir Edward Grey.

F.O. 372/65.

3479/268/07/329.

(No. 9.) Confidential.

Sir,

*Munich, D. January 29, 1907.**R. January 31, 1907.*

I had a few days ago some conversation with Herr von Kühlmann who was in charge of the German Legation at Tangier at the time of the Kaiser's visit to that place in the year 1905. The subject of our conversation was the proposed new Peace Conference at the Hague and as this gentleman is a member of the German Diplomatic Service I think it may be as well for me to report his views as they may help to confirm or correct information which has reached you from other sources.

Herr von Kühlmann showed no enthusiasm for the new Peace Conference which in the opinion of the German Government was more likely to prejudice the cause of peace than to help it, but as it now seemed certain that it would be held it was necessary for Germany to study the attitude she would have to assume at this meeting. In Herr von Kühlmann's opinion there were two classes of questions which were likely to be studied at this Conference,—practical ones, such as questions relating to maritime laws and the right of belligerence, etc., which could be discussed calmly between the experts representing the Powers—and unpractical ones, such as the question of general disarmament. *Germany was fully aware that if the latter question were brought forward for discussion by the Conference it would be the work of her enemies and intended to put her into an awkward position;* the Imperial authorities had therefore to study very carefully how they would meet this attack. I gathered from what Herr von Kühlmann said to me that the position would then be as follows:—the motion for disarmament would be brought forward either by a Representative of one of the minor Powers or by that of one of the greater ones: in the first case Germany might possibly argue that the question was too important for little Powers to touch and that it would be better to leave the discussion of so important a subject to direct negotiations between the Great Powers and so avoid angry discussions and hasty votes on such matters at the Conference. If the motion

was brought forward by the Representative of one of the Great Powers the situation would be different; an impression prevailed in many quarters, said Herr von Kühlmann, that under these circumstances Germany might withdraw from the Conference; he thought there was no need for her to do so—she could turn the tables on her enemies and this could be done in this way:—the German Representative would express his approval at the idea of general disarmament but this could only be accepted on certain principles; in his opinion the only principles which could be suggested were that the armaments of a country should be proportional to her population. If this principle were applied to the navies of the world, England would object to it as her population was a great deal smaller than that of Germany; if on the other hand it should be proposed that the size of the mercantile fleet of a nation should be taken as the basis for controlling the strength of that nation's navy, he expected that this would be objected to by the United States and thus Great Britain and the United States would be put in opposition to each other at a Conference, a situation which would be far from displeasing to Germany. If the principle of population were applied to land forces, France would strongly protest against it; therefore, if the question of disarmament was brought forward for discussion by the Conference, Germany would show zeal in support of it, being in a position to checkmate any serious move in the direction of its practical application.

Herr von Kühlmann gave me to understand that the important point for Germany at the Peace Conference was to avoid appearing before the world as if she were isolated as she had been at Algeiras. It was necessary for her to play the fine rôle if she went to the Hague, and if the Imperial Government acted as he thought they were likely to do, Germany would appear to the mass of the enthusiasts for general peace as the one Power who had proposed a practical system of disarmament but that her attempts in the direction of the maintenance of peace had been thwarted by the selfish policy pursued by Great Britain, France, the United States and other Powers who were not sincere when pretending to support the principle of general disarmament.

How far these are the views of the Imperial Authorities it is impossible for me to say but they are interesting as coming from the mouth of a German Diplomatist who is at present, I believe, Councillor of the German Legation at the Hague and who therefore has probably occupied himself with the questions likely to arise at the Peace Conference.

I have, &c.

FAIRFAX L. CARTWRIGHT.

MINUTES.

This is an important and interesting despatch and the source from which it emanates is likely to be well informed.

A Reuter telegram bearing on the subject in to-night's paper is annexed.*

W. M. Jan[uar]y 31.

Cologne, Thursday.

*THE HAGUE CONFERENCE.

GERMANY LIKES THE IDEA BETTER THAN THE DETAILS.

"The *Cologne Gazette* learns that Mr. Stead was yesterday evening received by the Imperial Chancellor in the most friendly manner.

Prince Bülow said that Germany considered it her duty at the forthcoming Hague Conference to exert herself in favour of the further development of national⁽¹⁾ law in the direction of peace and humanity.

Germany could do this all the better, as for more than a generation she had waged no war, and had set up as her object the preservation of peace.

She had therefore accepted with lively satisfaction Russia's invitation to participate in the conference, and had examined all points of the programme with the greatest goodwill, but on the principle that "Qui trop embrasse, mal étirent," considerable objections might be raised to the programme."

REUTER.

(1) [Marginal note: "international?"]

If Herr v[on] Kühlmann is right, this w[oul]d be a come down from the reported statement of the Kaiser that he would not take part at all, if disarmament were to be discussed.

F. A. C. 31.1.

If the combined military and naval forces were to be regulated on the basis of population the scheme suggested by Herr von Kühlmann would work out to Germany's disadvantage.

C. H.

Herr von Kühlmann's arguments are very shallow. The population basis would suit us very well for we should include India and the Colonies and be entitled to a navy about four times as big as the German.

E. G.

No. 175.

Sir Edward Grey to President Roosevelt.

Private.⁽¹⁾

My dear President,

February 12, 1907.

. . . .⁽²⁾ Professor Martens is here: very anxious to know who is going to bring expenditure on armaments before the Hague Conference, and what the actual proposal will be. As far as Naval expenditure is concerned, the thing depends at present upon England and Germany. If we two were to agree to stop new construction for a few years, or to agree to limit it, the whole of the rest of Europe, and perhaps the world, would feel the relief. I believe they would all stop building, except of course Russia, who must repair the losses of the war. But if Germany insists upon the high line that Naval expenditure concerns only herself, and won't discuss it with us, we are bound to go on building to keep ahead of her, and the whole world will feel the strain of increasing Navies.

In any case if the Hague Conference separates without discussing expenditure on armaments, I shall have to give a definite answer in Parliament as to why nothing could be done: and if need be I must get a "yes" or "no" from Germany by putting a direct question.

Meanwhile, if your Delegates bring the subject forward, ours will be instructed to support; but if you decide not to take the initiative (which I should very much regret) I should like to know in good time, that I may consider what course it is best to take. It will be a poor lame Conference if the Powers all meet there and shirk the question. . . .⁽³⁾

Yours, &c.

EDWARD GREY.

⁽¹⁾ [Grey MSS., Vol. 71.]

⁽²⁾ [The opening paragraphs introduce Mr. Bryce, lately appointed British Ambassador at Washington.]

⁽³⁾ [The remaining paragraphs refer to a number of subjects not connected with The Hague Conference, and add nothing of importance.]

No. 176.

Sir J. Walton to Sir Edward Grey.

F.O. 372/65.

4882/268/07/329.

Private.

House of Commons,

Dear Sir Edward Grey,

February 12, 1907.

As Chairman of the Committee for considering and reporting upon the questions which are likely to arise for discussion at the forthcoming Hague Conference I beg to forward the Interim Report which we have prepared upon the proposal that a belligerent Power should during war surrender the right to seize the private property at sea of the citizens of an enemy. The subject is perhaps the most important in its bearing upon the interests of Great Britain as it is certainly the most difficult

of the topics which will be brought forward for practical consideration by the Great Powers. We have therefore dealt with it at some length and expressed our opinions and the arguments which support them in a separate form. I trust our action in this respect will meet with your views and with those of the Cabinet.

The subject which comes next in order of practical importance is the suggested modification of the belligerent right to stop the trade by a neutral in articles alleged to be contraband, and the establishment of an international tribunal of appeal in the decisions of Prize Courts.

We have treated this matter somewhat fully as its great gravity demands; and the Committee will be glad, if you desire it, to print their report upon the subject in the course of the next two or three weeks.

We have arrived at an opinion upon the remaining topics which are of less moment and we hope to be able shortly to complete our labours by submitting a statement of our views upon them.

I regret to have to add that for reasons which we shall furnish in due course we have been unable to offer any assistance or advice in reference to the most difficult problem created by a proposal for the limitation or reduction of armaments.

Believe me, dear Sir Edward Grey,

Yours faithfully,

JOHN L. WALTON,

Attorney-General.

12 Feb[ruary], 1907.

[*ED. NOTE.*—The Interim Report upon “Right of Capture of Private Property at Sea” referred to in the above document is very long and is not here reproduced. A statement on p. 4 of the report that “Lord Clarendon . . . seems to have assented unwillingly to the Declaration of Paris” led to a question from Lord Fitzmaurice entered as a minute on the file. He asked “on what authority” the statement was made. Mr. Maycock minuted in turn that he would “send Lord Fitzmaurice a Mem[orandum] (5104 Conf[idential]) explaining all this.” This memorandum is given below. A further minute by Mr. W. E. Davidson points out that the statement was not in fact based upon the memorandum since that was not before the Committee or its Chairman when it was compiled. He adds “I would suggest that the authority for the passage referred to was a statement made by Sir W. Harcourt in a speech he delivered in Parliament in 1875.” The speech referred to is probably that given in *Parl. Deb.*, 3rd Ser., Vol. 223, pp. 854-62. The memorandum is, however, reproduced below, as it contains minutes of great interest. The text of the minutes has been checked by the originals in F.O. Great Britain and General 487, and their wording, capitalisation and punctuation made identical with these. The headings are, however, reproduced from the printed Memorandum.

Cabinet Minutes respecting the Declaration of Paris of April 1856.

Confidential. (5104)

These Cabinet Minutes are very important and interesting.

The Secretary of State for Foreign Affairs having been himself at Paris, we have hitherto been unable to find any record of what passed when the proposal for the Declaration was first mooted. These Cabinet notes explain the matter.

They should be taken charge of by Mr. Hertslet and placed on record in the Foreign Office.⁽¹⁾

TENTERDEN.

August 11, 1876.

The Earl of Clarendon to Viscount Palmerston.

My dear Palmerston,

Paris, April 6, 1856.

It is quite clear that we can never again reestablish our ancient doctrine respecting neutrals, and that we must in any future war adhere to the exception to our rule w[hi]ch we admitted at the beginning of the present war, under pain of having all mankind against us.

I am therefore for making a merit of necessity and volunteering as a benevolent act of the Congress to proclaim as permanent the principle upon w[hi]ch we have lately acted, adding to it a resolution ag[ain]st privateering.

The latter will be a good Roland to the Yankees for their Oliver—thinking to do us an ill turn they sent a Circular to all Maritime Powers asking their assent to the neutral flag covering

⁽¹⁾ [A note attached to these papers states that they were given to an official of the Foreign Office by Mr. Evelyn Ashley, “who found them amongst Lord Palmerston’s archives.” The note is dated August 3, 1876. His *Life of Lord Palmerston*, Vol. II (1879), pp. 326-7 and notes, contains the original draft of the Declaration and refers to “the fact of its having been deliberately adopted by the English Cabinet,” without further details.]

the goods. Most of these Powers consulted us as to the answer they sh[oul]d give and we suggested that they sh[oul]d not agree unless the U[nited] S[tates] at the same time gave up the system of Privateers. Prussia gave that answer and the President made some impertinent remarks upon it in his message, so they will be left alone in their system and have the world ag[ain]st them if the Congress adopts the Resolution. I send you the D[ra]ft of resolution and if you c[oul]d let me know by the telegraph whether you approve it w[oul]d be a convenience altho[ugh] I have told Walewski that it may be 2 or 3 d[a]ys before I can give him a definitive answer.

The Emperor does not like any engagement with respect to mediation before war is declared but He is willing that some resolution in favour of the proceeding sh[oul]d be recorded in a Protocol.

Does anything else in the way of declaration of principles by the Congress occur to you? The signature of peace has put that august Body in high good humour and I daresay it w[oul]d agree to anything that c[oul]d not be called revolutionary. I need not tell you that the British and Sardinian P[leni]p[otentiaries] are the only liberal members of it.

Yours sincerely,
CLARENDON.

Draft of Resolution.

Le Congrès de Westphalie a consacré la liberté des cultes, le Congrès de Vienne l'abolition de la traite des noirs et la liberté de la navigation des fleuves; il appartiendrait au Congrès de Paris de consacrer l'abolition de la course et la franchise du commerce des neutres conformément aux principes appliqués dans la guerre actuelle.

Ces principes sont, d'après les déclarations émanées de la France et de l'Angleterre au début de la guerre :

Que le pavillon neutre couvre la marchandise ennemie, excepté la contrebande de guerre;

Que la marchandise neutre, excepté la contrebande de guerre, n'est pas saisissable sous pavillon ennemi;

Et que les blocus doivent être effectifs, c'est-à-dire maintenus par une force navale suffisante.

Viscount Palmerston.

Immediate.

I should like to have the opinion of the Cabinet on this matter in the Course of this day.

I am inclined to agree with Clarendon, that the concessions which we have made to neutrals at the Beginning of this war can never or at least will never on any future occasion be withheld and that it would be wise in us to take the lead and to make the Proposal which Clarendon suggests.

P.
7/4-56.

Sir George Grey.

I concur.

G. G.

Lord Panmure.

I quite concur in Clarendon's proposal. If the Americans stood out on a question of privateering against a resolution adopted by the Congress they will be isolated on a point in which the whole civilized world will be against them.

P.
7/4.

The Right Hon. H. Labouchere.

I think the answer should be that we are disposed to concur in an arrangement such as is proposed, but that the several points require to be carefully considered in their bearings in all the cases which may arise.

For example, if the Americans do not agree to the convention, would their flag as a neutral cover the goods of an Enemy, while they were still at liberty to make use of Privateers in case of war?

It would be very desirable so to effect this arrangement, as to compel the Americans to accede to it.

If it can be made of universal application, I believe it would be a most honourable and useful measure, but it should be carefully considered, and can hardly be finally settled by Telegraph.

H. LABOUCHERE.

Earl Granville.

I concur in this proposal. I do not think that the acquiescence of America, which we shall not get, need be a sine qua non, but I agree with Labouchere so far as to think that the terms of the Protocol ought to be considered, and I should be glad to have Dr. Lushington, our great adviser in the relaxation of these laws, as an adviser upon the protocol.

G.

Sir Charles Wood.

I agree, but, as Labouchere truly says, great care will be required in wording any instrument, so as to avoid being bound, when others are at liberty.

C. W.

Sir George Corn[e]wall Lewis.

I concur. I cannot see why the omission of the U[nited] S[tates] should be more injurious to us than to others.

G. C. L.

The Duke of Argyll.

The principle is right but the cases pointed out by Labouchere require great consideration.

ARGYLL.

The Right Hon. Vernon Smith.

We have conceded the principle in recent practice and cannot now recede so must make a merit of it.

R. V. S.

The Right Hon. W. A. Baines [sic: M. T. Baines].

I concur in L[or]d Clarendon's suggestion.

M. T. B.

The Earl of Harrowby.

I sh[oul]d be disposed to run all risks as to the non-concurrence of the U[nited] States in the Declaration ag[ain]st Privateering, trusting to the effect of opinion in the long run, but confining the effect of the several resolutions as far as possible to those who concurred in the whole.

HARROWBY.

Lord Stanley of Alderley.

I am on the whole inclined to agree with Clarendon that we sh[oul]d not find it easy to re-establish the doctrine respecting neutrals, and that it may perhaps be expedient to make a virtue of necessity and assent to the Resolution proposed.

At the same time, if we were at war with France, and the U[nited] S[tates] do not agree to this resolution they as neutrals w[oul]d become the carriers of all the trade of France and we should have no means of acting against her commerce, except by Blockade, which though perfectly effective as against Russia, w[oul]d be but very imperfect as against France with her extensive Sea Board in two seas.

At the same time also no neutral Power would be able to do the like service for us if we were at war with America.

If we also agree to the Resolution against Privateers how shall we be situated in the event of our being at war with America and France in alliance.

Our hands and those of France will be tied, whilst the Americans will have retained their right of Privateering which they will exercise against our Trade, both from the Ports of France as well as from their own.

For these reasons I am disposed to think, that before we agree, an attempt s[hou]ld be made to obtain the assent of the U[nited] S[tates] to the Resolution.

Without their assent we shall be the only losers.

S.

Ap[ri]l 7/56.

The Queen's Approval.

The Queen approves Lord Palmerston's proposed course.

Ap[ri]l 8, 1856.]

No. 177.

Sir Edward Grey to Sir F. Bertie.

F.O. 372/65.

5574/268/07/329.

(No. 20.) Treaty. Confidential.

Sir,

Foreign Office, February 14, 1907.

M. Cambon spoke to me to day on the subject of the Hague Conference.

He was apprehensive that a discussion in full Conference on the subject of the limitation of armaments might not only result in nothing, but might seem ridiculous: the positions of the various Powers with respect to armaments were so different, and the number of Powers represented at the Conference in full session was so great.

It had occurred to him, therefore, that, if we really desired to bring the subject forward, it might be much better that we should propose at the Conference to refer the subject to a Commission of juriconsults or of delegates belonging to the Great Powers, and to adjourn its consideration by the full Conference meanwhile.

I said I would consider this suggestion, but I could not give an answer with regard to it till I had consulted the United States. It was not certain whether the United States would take the initiative in proposing the discussion of the matter at the Conference, but I had given them a promise that if they did take the initiative we should support them. I could not, therefore, take any engagement as to a particular method of procedure until I had consulted them.

Meanwhile, I would tell M. de Martens that we held to the opinion that the subject should be brought forward at the Conference. A general statement of this kind would not preclude the method of procedure suggested by M. Cambon.

He observed that, if the German Emperor had renounced the idea, which he had proclaimed so loudly, of withdrawing from the Conference if the question of the limitation of armaments was discussed, it must be because he had come to the conclusion that the discussion would lead to no result.

M. Cambon also thought that the apprehensions which had arisen in the United States with regard to Japan had started a movement in the States in favour of building ships, and this might make the United States reluctant to take the initiative at the Hague Conference.

I said that, with regard to practical results, if it was left to us to take the initiative, we might possibly suggest to Germany that we should come to some mutual agreement as to our programmes of new Naval construction. I asked whether, if we and Germany were to agree to suspend Naval construction, M. Cambon thought other Countries might do the same.

He said France was in arrears, and he did not think she could diminish Naval expenditure unless an agreement was also made in favour of the limitation of Military as well as of Naval expenditure.

I observed that the danger was that the German Emperor might introduce a new Naval programme with still further increased expenditure, in which case we should certainly reply by increasing our shipbuilding, and that would place a great strain upon other Powers.

[I am, &c.]
E. G[REY].

No. 178.

Sir Edward Grey to Sir A. Nicolson.

F.O. 372/65.

5093/268/07/529.

(No. 7.) Treaty. Confidential.

Sir,

Foreign Office, February 15, 1907.

Professor Martens discussed with me on the 11th instant various questions relating to the Hague Conference.

With regard to the date. He was inclined to think that June was the time which would suit other Powers, and he said that July and August were the best months for the Hague, because later on the rain became intolerable.

I told him that, from our point of view, the end of May or beginning of June would be best, in order to insure that the Conference would not sit later than the end of July. We would not press for a date which might be inconvenient to others, but we should prefer the earlier date.

With regard to the programme, Professor Martens said it was exceedingly desirable that, if subjects not included in the programme were to be raised at the Conference, they should not be sprung upon it by surprise. The Russian Government

were therefore, most anxious to be able, in sending out the final invitation, to announce any other subjects which might be brought forward, and to have them put into such a form as would enable the various Countries to give instructions to their Delegates with regard to these subjects. He also wished to know whether we were likely to raise objections to any of the subjects already included in the programme.

I said I had not yet received the final Report of the Committee who were examining all the subjects, but I did not expect that we should object to any of them.

As for the rest, we had, in accepting the programme as a base, expressed a wish that the subject of expenditure on armaments should be discussed. I objected to the term "disarmament," which I knew to represent a thing that was not practicable. But to reduce or limit expenditure, or even to stop the further increase of it, was an object as urgent and desirable now as it was when the Russian Government announced it as the chief motive of the first Hague Conference.

Professor Martens said it was the case that the Russian Government had omitted the subject from their programme this time. They had done so, because on the previous occasion it had been impossible to obtain any result. He asked whether we were likely to take the initiative in the discussion of the subject at the Conference.

I told him that we did not desire to take the initiative if any other Power would take it. My answer at the moment must therefore be that we desired strongly to have the question discussed, that we could not pledge ourselves not to take the initiative, but we were quite willing and might even prefer to see the initiative taken by some other Power.

Professor Martens said that the United States also had made a reservation in favour of the discussion of the subject. But he had been unable to discover from the United States' Ambassador at Berlin whether they intended to make a proposal or not. And he expressed some apprehension as to whether there could be any practical result from the discussion, and as to whether some friction might not be caused.

I explained to him that, as far as we were concerned, we were prepared to make reductions in our programme of new construction of ships, if other Powers would agree to do the same. And I expressed a very decided opinion that, if there was no discussion and no agreement at the Hague Conference, there would be a great increase in naval expenditure in the course of the next few years. To be quite frank, the key to the whole of the naval expenditure of the world lay between Germany and ourselves. I asked Professor Martens if he knew what the disposition at Berlin was with regard to discussion.

He said he had been unable to get a definite reply.

I told him that it was not my object to have a discussion at the Conference simply to isolate Germany, or bring out a difference of opinion with her. If she were to desire to come to an agreement directly with us as to limiting new construction, we should be quite willing to try to make an arrangement in that way. If we could come to such an agreement, and it were to be announced at the Hague Conference that Germany and England were going to limit their expenditure on new construction in their Navies for, say, the next five years, the effect would be felt over the whole world, who would be relieved from the apprehension of a great increase in naval expenditure and would all follow suit. I recognised, of course, the exceptional position of Russia who, in order to repair the losses of the war, whatever other Powers did, might have to incur expenditure the necessity for which would be freely recognised. But I was quite sure that, if Germany took the line that her naval expenditure was her own affair, and that it was not to be discussed with any other Power, and if she continued to increase her Navy, we should spend more and still more upon our own Navy. The result of this competition between Germany and ourselves would be an increase in naval expenditure, the strain of which would, in the course of the next few years, be felt by all the great Powers.

Professor Martens expressed a strong opinion of his own that the great Powers should endeavour, confidentially and between themselves, to arrange before-hand

within what limits the discussion on expenditure should be kept at the Conference, and what the result of such discussion should be. In this way he thought friction might be avoided.

I saw no objection to this plan, provided it did not prejudice the right of public discussion at the Conference whether a preliminary agreement was reached or not.

Professor Martens explained that this was an idea of his own. He had not yet consulted his Government with regard to it, and could therefore only put it forward personally.

I said that I also was speaking frankly and informally, and not making official proposals.

Professor Martens said it was further proposed as the constitution of the Hague Tribunal and the means for bringing disputes before it were rather clumsy, to discuss the improvement of them. It was also thought that as the Commission d'Enquête had been so useful in the case of the North Sea incident, it might be well to organise the Commission in such a form that it should be more quickly available when any difficulty arose. He also asked me whether I thought it possible to make a schedule of subjects which we should bind ourselves to reserve in all cases for arbitration. He said the German Government were opposed to this proposal.

I said that the difficulty in this would be to define the subjects on which arbitration was to be compulsory. It was hard for me to express an opinion without having some definite proposal before me. But we wished in every way to encourage and promote the reference of disputes to arbitration.

Professor Martens also asked my view as to the inclusion of the Drago Doctrine.⁽¹⁾ The United States had mentioned that as a subject which might be put forward.

I said this question was now being investigated by our Inter-Departmental Committee. I could not, therefore, commit myself to any view upon it. But we should certainly not object to its being discussed.

Professor Martens further asked my opinion as to the immunity of private property from capture at sea in time of war.

I told him that I could not speak on that until it had been before the Cabinet. But our view hitherto had been that the right of seizure of enemies' ships and property at sea was essential to the conduct of war, and I could not say that we were prepared to depart from that view. I asked Professor Martens what the view of the Russian Government was on the subject.

He thought they would hold what had hitherto been our view in the matter. France also, he thought, concurred. Germany, who had supported the opposite view when put forward by the United States in 1899, were he thought now hesitating in the matter. And he observed that even the United States were not agreed, as one of their Delegates, Captain Mahan, was strongly opposed to immunity.

[I am, &c.]

E. G[REY].

⁽¹⁾ [*i.e.*, The prohibition of the use of "armed force for the collection of ordinary contract debts due to the subjects or citizens of a Power by other Governments" (*v. infra*, p. 249, No. 206). Dr. Drago, then Minister for Foreign Affairs in the Argentine, enunciated this doctrine at the time of the collective action of Great Britain and Germany in the blockade of Venezuelan ports in 1902. For this subject *v. Gooch & Temperley*, Vol. II, pp. 154-74, *passim*.]

No. 179.

Sir Edward Grey to Sir A. Nicolson.

F.O. 372/65.

5736/268/07/329.

(No. 8.) Treaty. Confidential.

Sir,

Foreign Office, February 15, 1907.

Professor de Martens asked me to-day whether he was to tell his Government that we adhered to our opinion that the subject of Disarmament must be discussed at the Hague Conference.

[21704]

P

I said I would prefer that the subject should not be called Disarmament, but that it should be labelled "Expenditure on Armaments." In that form, we thought it most desirable that it should be discussed at the Conference. In view of the attention which had been given to the subject by public opinion, and of the interest which had been expressed in it at the Inter-Parliamentary Conference at which so many Countries were represented last year.⁽¹⁾ it would be a very great disappointment if it was not discussed at the Hague Conference. Indeed, I felt that the Conference would lose prestige if it separated without venturing to touch this question.

Professor de Martens then asked me whether I considered that the discussion must be a serious one, and not that the matter should simply be raised and buried in half-an-hour.

I replied that I certainly thought the discussion must be a serious one.

He then dwelt [*sic*] upon the danger of friction arising owing to the different dispositions of the various Powers with regard to the question, and asked me whether I thought a discussion before-hand between the great Powers would not be desirable.

I told him that I did not think there would be much advantage in such a discussion before the Conference met. We should be willing, of course, to receive the views of any other Powers on the subject if they wished to send them to us. But I thought it might be more profitable, supposing there were difficulties at the Conference, for the great Powers to agree to continue the discussion among themselves afterwards.

The Professor asked me whether we would be satisfied with a discussion at the Conference which resulted in the expression of an opinion that each Power should devote its attention to the question.

I said I would not go so far as to say that this was not better than nothing. But it would amount to very little, and I should not be content with it so long as there was a hope of something better. The object of the discussion at the Conference should be not to bury the question, but to keep it alive.

Professor de Martens asked me if I could now say whether we ourselves intended to propose the question at the Conference.

I told him I could not. I thought it would be sufficient that the Russian Government should state in their invitation that we attached great importance to the question being brought forward.

Professor de Martens promised that the Russian Government would send us confidentially their form of invitation before it was issued.

In reply to further questions from him, I said that, should we come to a decision before the Conference met to take upon ourselves the duty of making a definite proposal on the subject, I should of course take care that anything we had formulated was communicated to the other great Powers. At present, it must be sufficient to say that we attached great importance to having the question of Expenditure on Armaments discussed.

He then told me that, speaking quite frankly and confidentially, the danger of friction and opposition lay with Germany. The Russian Government were anxious to remove the risk of this, and he feared the matter was a delicate one.

I said that possibly friction might be avoided by direct communication taking place between ourselves and the German Government. In this case I might, before the Conference met, speak frankly to the German Ambassador as to our views. I should then, at any rate, relieve Professor de Martens of any responsibility for friction that might arise.

Professor de Martens was of opinion that this might be desirable. But he asked me not to say anything to the German Government direct until he had been to Berlin and until the invitation was issued.

I promised in accordance with this that I would not say anything for the present.

⁽¹⁾ [*v. Inter-Parliamentary Union Official Report of the 14th Conference, held in London, July 23-25, 1906. (London, 1907.)*]

I told the Professor that I had been much interested in what he had said about the usefulness of the Commission d'Enquête. It was a great advantage to have had the opportunity of discussing that and other points with one of such great authority and experience as himself. I had a suggestion to make to him of a kindred character. It was that some Court of Appeal should be established in connection with the Hague Tribunal, to which appeals might be made from the decisions of prize courts in time of war. I reminded him that we had some such cases which had been under discussion with the Russian Government for a very long time. We had eventually been compelled to propose arbitration with regard to the decisions of some of the Russian Prize Courts—as to which, by the way, we had not yet had a reply. I thought such matters would be very much simplified in future if it could be recognised that there was an international Court of Appeal, to which decisions of prize courts could be referred without all the cumbrous machinery of long diplomatic correspondence and argument, and a special resort to arbitration.

Professor de Martens was disposed to think that something of the kind could be done in connection with the simplification of the procedure with regard to the Hague Tribunal, in which he was now interesting himself.

[I am, &c.]
E. G[REY].

MINUTE BY KING EDWARD.

As the German Emperor will not listen to any discussion relative to "Disarmament" I do not see how England can bring the matter forward at the Hague Conference. It would simply be waste of time and could not produce any satisfactory results.

E.R.
Feb: 20/07.

No. 180.

Sir Edward Grey to Mr. Bryce.

F.O. 372/65.
6003/268/07/329.
(No. 10.) Treaty.

Sir,

Foreign Office, February 22, 1907.

I gave Mr. Carter yesterday, confidentially, a short summary of my conversation with Professor Martens about Expenditure on Armaments. I supplemented it by saying that I gathered Professor Martens' idea to be that the subject should come up for discussion at The Hague Conference, and that it should then be referred to a Commission of the Delegates or Jurisconsults of the Great Powers, who would report to the Conference. Professor Martens had argued with some force that the matter was really one within the control of the Great Powers, without whom nothing could be done.

Mr. Carter asked me whether the Professor had asked us to formulate our proposals beforehand.

I replied that he had said nothing about this in his second interview, and Mr. Carter reminded me that Mr. Root had been averse to a discussion, before the Conference met, between the great Powers with the object of formulating some proposal. Such a course would be derogatory to the Conference.

I explained that I understood Professor Martens no longer advocated a discussion in advance, and that he agreed that the subject should be brought up at the Conference.

I told Mr. Carter that the Professor had pressed me very much as to whether we would take the initiative if no other Power would do so, and I had declined to pledge myself on this point.

I am of opinion⁽¹⁾ it would be much better for the United States to take the initiative, but of course I could not commit them in any way in conversation with Professor Martens, and did not discuss their possible action with him, though I had told him that we had promised to support the United States if they took the initiative. It is desirable to keep the United States' Government informed of what is passing, as, in the event of further discussions taking place before the Conference met, I should like our attitude to be in harmony with theirs.

I am, &c.

E. G[REY].

⁽¹⁾ [Marginal comment by Sir Edward Grey: This last bit is not part of my conversation, but an expression of opinion for Mr. Bryce.]

No. 181.

Mr. Bryce to Sir Edward Grey.

F.O. 372/65.

8727/268/07/329.

(No. 60.)

Sir,

Washington, D. March 7, 1907.

R. March 18, 1907.

At a conversation which I had with Mr. Root to-day, I enquired what was the present attitude of the United States' Government regarding the question of making a proposal at the approaching Hague Conference for the reduction of Naval and Military armaments. I told him, as you had indicated to me in conversation your wish that I should, that His Majesty's Government were ready to consider in detail a scheme for effecting such reduction in the armaments of Great Britain as soon as the United States' Government had conveyed to you their views on the subject, and I gave him the substance of your telegram No. 3 of yesterday, March 6.⁽¹⁾ (Your despatch of Feb[ruary] 22nd referred to in that telegram has not yet reached me.)⁽²⁾

The Secretary of State, after sketching the earlier history of the communications between his Government and that of Russia on this topic, said that he thought there were now three possible courses, viz., the total omission from the agenda of the Conference of the question of the reduction of armaments; secondly, the taking up and discussing of it as a matter standing over from the previous Conference; and thirdly, the reference of it to a Committee, this being a sort of middle course between the two others. He said that public opinion in America would be greatly disappointed if the subject were not raised, and some serious effort made to deal with it, and that he understood there would be a like disappointment in England, further accentuated by the interest which the English taxpayers feel much more strongly than do American taxpayers, in a diminution of naval and military charges. He added that it would be absurd to ignore a question which had been the prime ground mentioned by the Russian Government when they proposed the first Conference, and which had been virtually adjourned from the Conference to the now approaching one as a matter which it was hoped the second one might be able to treat effectively.

When asked whether the United States' Government were prepared to raise the question, he expressed some little hesitation or reluctance, saying that they did not want to appear as intermeddlers in what was primarily and mainly a matter for European powers, it being their settled policy to mix themselves as little as possible in Old World affairs. However, as soon as an agreement had been reached with regard to the inclusion of the topic among the agenda of the Conference, the question would arise which Power, Great Britain or the United States, should bring it forward. Upon that point he enounced no definite view and seemed indisposed to make any promise at this moment, so I did not ask for one, but I conveyed to him, as you had wished

⁽¹⁾ [Not reproduced. It asked for the opinion of the United States Government on the procedure desired by Professor Martens, described in immediately preceding document. F.O. 372/65. 7337/268/07/329.]

⁽²⁾ [Marginal comment by Sir E. Barrington: "It should have arrived on the 2nd or 3rd. E.B." v. immediately preceding document.]

should be done, that His Majesty's Government would gladly see the matter raised by the United States, which had, as standing a little apart, obvious advantages for doing so. The impression left on my mind was that the United States' Government have not yet come to any positive conclusion, and may be largely guided by the course things might take in the next few weeks, but that there is no wavering in their desire that the matter should be raised, and raised in a serious way.

I have, &c.

JAMES BRYCE.

MINUTES.

We shall hear further when Mr. Bryce sees the U[nited] S[tates] Sec[retar]y of State on his return from New York to-morrow. It now looks as if the U[nited] S[tates] of A[merica] were not disposed to take the initiative, as at one time, there was reason to think they would.

W. M.

March 18.

(They apparently want to leave us to take the chestnuts out of the fire.)

W. E. D.

March 23/07.

E. A. C.

March 25.

E. B.

C. H.

E. G.

No. 182.

Sir A. Nicolson to Sir Edward Grey.

F.O. 372/65.

7820/268/07/329.

Tel. (No. 4.) Treaty.

Hague Conference.

St. Petersburg, March 10, 1907.

D. 2.35 P.M.

R. 5.10 P.M.

Minister for Foreign Affairs explained to me to-day exceedingly difficult position in which he was placed as to the question of limitation of expenditure on armaments. He told me that Germany and Austria had recently sent him very categorical objections to discussion of question, and that Germany had become more opposed to matter being brought forward since Professor Martens' first visit to Berlin. Latter arrives here to-day. Minister for Foreign Affairs is much perplexed as to how to reconcile opposite views in issuing invitations, or how to find a middle way. After he has seen Professor Martens, he will probably speak to me again before the messenger leaves.

MINUTE.

We must wait till Prof[essor] Martens has seen M[onsieur] Isvolsky; Prof[essor] Martens left London sanguine that difficulties could be avoided.

E. G.

No. 183.

Sir A. Nicolson to Sir Edward Grey.

F.O. 372/65.

8625/268/07/329.

(No. 7.) Treaty. Confidential.

Sir,

St. Petersburg, D. March 11, 1907.

R. March 18, 1907.

M. Izvolsky told me yesterday that Professor Martens had just returned to St. Petersburg, and that he would now receive a full report as to the results of the latter's visits to the various capitals of Europe. His Excellency said that he could not conceal from me that he was much embarrassed and perplexed with the conflicting

opinions which existed in regard to certain points in the programme of the Conference, and especially in respect to the question of the limitation of expenditure on armaments. It was his duty to issue the invitations to the Conference and to indicate the questions which were to be discussed, and on the proposal to limit military budgets there were two sets of opinions diametrically opposed to each other. He understood that the United States and Great Britain were earnestly desirous that the question should at least be discussed, while Germany and Austria-Hungary were strongly opposed to the matter being put forward. He was, therefore, in a dilemma. If he were to omit any mention of the question in issuing the invitations, he would probably provoke representations from the United States and Great Britain, and might discontent both those Powers which was the last thing he desired to do. While if in face of the categorical objections which he had received lately from Vienna and Berlin, he were to place the armaments question on the programme he would displease the Governments of those Capitals. Personally, he much regretted that the question had been raised, and it was clear that any discussion even if one were to take place, would lead to no results, and might indeed do more harm than good. He was searching for some middle way out of the difficulty, but he had hitherto been unable to find one. I said that I was under the impression that the German Government had at one time shown some inclination to agree to the question being discussed, or had given Professor Martens to understand that they were not determinedly opposed to its being brought forward. M. Izvolsky said that this might have been the case when Professor Martens had first visited Berlin, but that subsequently the German Government had apparently closed the door on any discussion, and the last communications which he had received from Vienna and Berlin showed an "intransigent" disposition. I suggested that perhaps Professor Martens might have brought with him better news, and that he might possibly be in a position to propose some way out of the difficulty. Personally, I did not see why he should be troubled as to the issue of the invitations, as he could simply state that some Powers desired a certain question to be discussed and he was therefore relieved from all responsibility. I had no instructions whatever on the subject, but I knew that there was a strong desire on the part of my Government that the armaments question should be discussed. M. Izvolsky said that he was well aware of that as he had read the debates, and he knew of the article of the Prime Minister in the "Nation." I asked if Germany and Austria-Hungary were very strenuously opposed to the matter even being discussed, and his Excellency replied in the affirmative, though he did not go so far as to say that either Power had declined to attend the Conference if the question were brought forward.⁽¹⁾

I have, &c.

A. NICOLSON.

⁽¹⁾ [Language approved by Sir Edward Grey, Despatch No. 18, Treaty, of March 27. (F.O. 372/65. 8625/268/07/329).]

No. 184.

Sir Edward Grey to Sir F. Lascelles.

F.O. 372/65.
8115/268/07/329.
(No. 19.) Treaty.
Sir,

Foreign Office, March 12, 1907.

I took an opportunity on the 8th instant of saying to Count Metternich that I did not propose to enter upon questions connected with the Hague Conference until Professor Martens, who had been consulting all of us separately, should have gone back to St. Petersburg, and the Russian Government had issued their invitation.⁽¹⁾

But, no doubt, he had noticed an article by the Prime Minister on the

⁽¹⁾ [v. G.P. XXIII, I, p. 147.]

expenditure on armaments.⁽²⁾ I felt quite sure the tone of that article was such that no one could object to it. As I knew there was some susceptibility in Germany on this matter, I said that when the time was nearer, we should, if necessary, be ready to discuss how the subject might be raised without causing friction.

We wished to have it discussed, because public opinion here took great interest in it. We now had a large amount of naval expenditure in suspense; we should have to proceed with it, if this could not be avoided by agreement, and we wished to make every effort to promote some agreement if possible.

Count Metternich expressed his satisfaction, personally, with the disposition I had expressed.⁽³⁾

[I am, &c.
E. GREY.]

⁽²⁾ [The first number of the *Nation*, March 2, 1907, contained an article on "arrest of armaments," by Sir H. Campbell-Bannerman, then Prime Minister. It was disapproved by King Edward, *v.* Sir Sidney Lee: *King Edward VII* (1927), II, p. 467.]

⁽³⁾ [This conversation of the 8th contained also reference to other subjects, especially the Bagdad Railway question. A despatch upon this part of the conversation was sent to Sir F. Lascelles on the 8th. *v.* *Gooch & Temperley*, Vol. VI, pp. 354-5, No. 247.]

No. 185.

Sir A. Nicolson to Sir Edward Grey.

F.O. 372/65.

8347/268/07/329.

Tel. (No. 6.) Treaty.

Hague Conference.

St. Petersburg, March 14, 1907.

D. 9·20 P.M.

R. 10·1 P.M.

Professor Martens thinks that it would be advisable, before the Russian Government issued final invitation, if His Majesty's Government were to confidentially explain at Berlin the procedure which might be followed at Conference in regard to question of limitation of armaments, viz., that the question should be submitted to Conference and then referred to a Special Committee of naval and military experts, who, before the termination of Conference, would present a report concluding with a Resolution.

In view of feeling which he found existing at Berlin on his second visit, he is strongly of opinion that in order to avoid possible difficulties, and in order to smooth susceptibilities, it is desirable to take course which he ventures to suggest.

The formal request of His Majesty's Government to have question discussed should not, he submits, be communicated to Russian Government until above step has been taken at Berlin, and then Russian Government would, in issuing final invitation, simply accompany it with a communication of the desire of His Majesty's Government.

We may take it for granted that the views of Professor Martens are shared by Minister for Foreign Affairs, with whom he is in daily communication.

MINUTES.

The effect of this would be to some extent to shift the initiative on to the shoulders of H[is] M[ajesty's] G[overnment] and the question is delicate and one entirely of policy. Possibly The Sec[retary] of State might wish this suggestion repeated to Mr. Bryce with the view of ascertaining whether the U[nited] S[tates] Gov[ernment] would advocate this course of procedure at Berlin at least concurrently with us, if it is done at all.

[W. M.]

If the Americans cannot be induced to put themselves in the forefront on this question, they sh[oul]d certainly be asked to work with us. Perhaps Sir E. Grey would wish to speak to Mr. Reid. We have not yet had an answer to our tel[egram] No. 3, Treaty, of the 6th to Mr. Bryce.⁽¹⁾

E. B.

Repeat to Washington.

C. H.

⁽¹⁾ [Not reproduced. For Mr. Bryce's answer *v. supra*, pp. 212-3, No. 181.]

No. 186.

Sir Edward Grey to Mr. Bryce.

F.O. 372/65.

8347/268/07/329.

Tel. (No. 4.) Treaty.

Foreign Office, March 15, 1907.

D. 6 P.M.

Present position is that we have told Russian Gov[ernmen]t we desire to see question of expenditure on armaments discussed. But if this is stated in the invitation it would be desirable that the American Gov[ernmen]t should also have their opinion stated. I should be ready to agree to the question when raised at the Conference being referred to a Committee representing the Great Powers, who should report to the Conference. I do not think this Committee should be restricted to Naval and Military experts. Our desire is to act with the United States and I cannot therefore commit myself to any procedure without knowing whether they agree. Please therefore ascertain the views of the American Government upon this telegram especially on the two points of what should be said as regards expenditure on armaments in the invitation issued by the Russian Gov[ernmen]t and whether the procedure suggested should be accepted. I do not propose that any scheme for restricting expenditure on armaments should be formulated before the Conference, but if no mention of the subject is made in the invitation any discussion whatever may be ruled out when the Conference meets.

No. 187.

Sir A. Nicolson to Sir Edward Grey.

F.O. 372/65.

9142/268/07/329.

Tel. (No. 7.) Treaty.

Hague Conference.

St. Petersburg, March 20, 1907.

D. 8.16 P.M.

R. 10.30 P.M.

Minister for Foreign Affairs gave me to understand to-day that he must shortly issue final invitations for 1st June. If it be desired that any proposal should accompany invitation, I would suggest that I should be instructed to ask him to wait a little.

(Confidential.) I think some pressure is being brought to bear here by Austrian and German Ambassadors.

No. 188.

Sir Edward Grey to Sir A. Nicolson.⁽¹⁾

F.O. 372/65.

9142/268/07/329.

Tel. (No. 6.) Treaty.

Foreign Office, March 21, 1907.

D. 4 P.M.

Your No. 7 Treaty.⁽²⁾ You should inform M. Iswolsky that we should like Russia to state in the invitation to the Hague Conference that we attach importance to a discussion of expenditure upon armaments and reserve the right to raise the question. We should agree to question when raised being referred to a Committee representing the Great Powers, which would report to the Conference. We do not think however that such a Committee should be composed of military and naval experts, though these might attend it.

⁽¹⁾ [This telegram was repeated on the same day to Washington, Berlin and Rome, and on the 22nd to Vienna and Madrid. Instructions to inform the Government at Washington were sent on the 21st and in the case of Berlin, Rome, Vienna and Madrid on the 22nd. Meanwhile on the 21st Sir Edward Grey informed the French, German and Japanese Ambassadors in London of the views expressed in the telegram, and information was sent to M. Iswolski that the communication had been made to the German Ambassador.]

⁽²⁾ [v. immediately preceding document.]

No. 189.

Sir A. Nicolson to Sir Edward Grey.

F.O. 372/65.

9790/268/07/329.

(No. 11.) Treaty.

Sir,

*St. Petersburg, D. March 23, 1907.**R. March 26, 1907.*

I have the honour to transmit herewith copy of a note which, in accordance with your instructions, I addressed to M. Iswolsky expressing the hope of His Majesty's Government that His Excellency would state in the invitations to be issued for the Hague Conference, that His Majesty's Government attached importance to the question of expenditure on armaments and that they reserved their right to raise the question. I informed His Excellency in a semi-official note, of which I also beg leave to inclose a copy, of the views of His Majesty's Government as to how the question might be treated at the Conference; and I let His Excellency know in a private letter that the German Ambassador in London had been made acquainted with the substance of the communication which I was now making.

I have, &c.

A. NICOLSON.

Enclosure 1 in No. 189.

Sir A. Nicolson to M. Iswolski.

Mon cher Ministre,

S[ain]t-Pétersbourg, le 9/22 mars, 1907.

Sous un autre pli j'ai envoyé à Votre Excellence une lettre officielle au sujet de la question des dépenses sur les armements dont mon Gouvernement se réserve le droit de saisir la Conférence à la Haye. Sir E. Grey m'a fait savoir en même temps que le Gouvernement Britannique serait disposé à voir cette question, une fois soulevée devant la Conférence, remise à l'étude d'une Commission composée de Représentants des Grandes Puissances, qui adresserait un rapport à la Conférence.

Mon Gouvernement ne pense pas cependant que cette Commission devrait être composée d'experts navals et militaires quoique ces derniers pourraient assister aux séances.

Veillez etc.,
A. NICOLSON.

Enclosure 2 in No. 189.

Sir A. Nicolson to M. Isvolski.

Monsieur le Ministre,

[Undated.]

Your Excellency is doubtless considering the question of shortly issuing invitations to the several States to attend the approaching Hague Conference, and, under instructions from Sir Edward Grey, I have to express the hope that Your Excellency will be good enough to state in these invitations that His Majesty's Government attach importance to the discussion of the expenditure upon armaments and that they reserve to themselves the right to raise the question.

I avail, &c.

A. NICOLSON.

No. 190.

Sir E. Goschen to Sir Edward Grey.

F.O. 372/65.

11098/268/07/329.

(No. 8.) Treaty. Very Confidential.

Vienna, D. March 23, 1907.

Sir,

R. April 8, 1907.

In accordance with the instructions contained in your telegram No. 2 of yesterday's date,⁽¹⁾ I took an opportunity to-day of communicating to Baron d'Aehrenthal the substance of your telegram to His Majesty's Ambassador at St. Petersburg on the subject of the discussion at the Hague Conference of the expenses on armaments.

His Excellency, who did not seem particularly pleased with the communication, stated that he had only cognizance of one programme for the Hague Conference.⁽²⁾ and in that programme there was no mention of any discussion of the expenses of armaments.

He regretted the desire of His Majesty's Government to enlarge the scope of the discussions at the Conference by raising that question, at the same time he would prefer not to go into the subject with me before ascertaining the views of Russia and other Powers. He would therefore confine himself for the present to begging me to thank you for the communication.

His Excellency nevertheless proceeded to give me confidentially his personal opinion on the matter, which was that it was out of the question that such a discussion could lead to any practical result, and that therefore to raise it would be simply to waste the time of the Conference: moreover it would, not improbably lead to friction and would be apt to disturb rather than improve the general relations between the Powers.⁽³⁾

I told Baron d'Aehrenthal that, setting aside the question as to whether the discussion would lead to any practical result, I could not see why the mere fact of bringing the subject of expenses of armaments before the Conference should have the disagreeable consequences which he seemed to anticipate. Every Power had a right to its own views on this subject and could state them at the Conference; why should

(1) [*cp. supra*, p. 217, No. 188, note.]

(2) [*cp. infra*, pp. 221-2, No. 193.]

(3) [On March 9 the German Government had asked the Austro-Hungarian Government to join with them in preventing discussion on armaments at the Conference. *G.P.* XXIII, I, pp. 149-50.]

a divergence in these views amongst the Powers lead to friction? He might feel assured that His Majesty's Government would have no ill will against any Power which was against the limitation of the expenses on armaments, and it was difficult to see any grounds for ill-feeling against His Majesty's or any other Government which might be in favour of, at all events, discussing the question. If after the question had been raised, it was held that the discussion was useless or premature, that would, I presumed, be for the time being, an end of the matter. On the other hand delay in the meeting of the Conference or its indefinite postponement in consequence of unwillingness to allow the discussion to be even raised, might, I could quite conceive, create a somewhat disagreeable impression. These were, I told His Excellency, purely personal opinions which I had only ventured to lay before him as he had favoured me with his own views.

His Excellency said that there was one, in his opinion, very strong argument against raising the discussion of expenses on armaments or their limitation. This was that every country, and especially every "monarchical" country formed its own idea of the policy which was most suitable for its own interests. With that policy no other Powers had anything whatever to do: and it would be a direct interference in the affairs of that country for other Powers to lay down the law as to that policy or as to the measures or means required for its pursuance.

I have, &c.

W. E. GOSCHEN.

No. 191.

Count Benckendorff to Sir Edward Grey.⁽¹⁾

F.O. 372/65.

10845/268/07/329.

Monsieur le Secrétaire d'Etat,

London, D. March 22/April 3, 1907.

R. April 5, 1907.

Avant la convocation de la seconde Conférence de la Paix le Gouvernement IMPERIAL se croit obligé de donner aux Puissances, ayant acceptées son invitation, l'exposé de la situation actuelle.

Toutes les Puissances aux quelles le Gouvernement IMPERIAL a communiqué au mois d'Avril 1906 son projet de programme des travaux de la nouvelle Conférence, y ont déclaré leur adhésion.

Toutefois les observations suivantes ont été faites au sujet de ce programme.

Le Gouvernement des Etats-Unis s'est réservé la liberté de soumettre à la seconde Conférence deux questions sup[p]lémentaires savoir :

celle de la réduction ou limitation des armements et l'obtention d'un agrément d'observer certaines limitations dans l'emploi de la force pour le recouvrement de dettes publiques ordinaires découlant de contrats.

Le Gouvernement Espagnol a exprimé son désir de discuter la question de la limitation des armements, se réservant le droit de traiter cette question à la prochaine réunion de la Haye.

Le Gouvernement Britannique a fait savoir qu'il attachait une grande importance à ce que la question des dépenses pour les armements soit discutée à la Conférence et il s'est réservé le droit de la soulever; il s'est également réservé le droit de s'abstenir de la discussion de toute question mentionnée au programme Russe, qui ne lui paraîtrait pas devoir mener à un résultat utile.

Le Gouvernement du Japon estime que certaines questions qui ne sont pas énumérées spécialement dans le programme pourraient être utilement incluses, parmi les sujets à examiner et se réserve le droit de s'abstenir ou de se retirer de toute discussion prenant ou promettant de prendre une direction, ne devant pas contribuer, d'après son jugement, à produire de résultat utile.

(1) [Printed with an English translation in *A. & P.* (1908), CXXIV, (*Cd.* 3857), pp. 592-4.]

Les Gouvernements[s] de Bolivie, du Danemark, de Grèce et des Pays-Bas se sont également réservé d'une façon générale le droit de proposer à l'appréciation de la Conférence d'autres sujets analogues à ceux qui sont explicitement mentionnés dans le programme Russe.

Le Gouvernement IMPERIAL croit de son devoir déclarer que pour sa part il maintient son programme du mois d'Avril 1906, comme base des délibérations de la Conférence et que dans le cas où la Conférence aborderait une discussion qui ne lui paraîtrait pas devoir aboutir à issue pratique il se réserve à son tour le droit d'abstenir d'une pareille discussion.

Des observations analogues à cette dernière ont été faites par les Gouvernements Allemand et Austro-Hongrois qui se sont également réservé le droit de s'abstenir de discuter à la Conférence toute question paraissant ne pas devoir aboutir à une issue pratique.

En portant ces réserves à la connaissance des Puissances et dans l'espoir que les travaux de la seconde Conférence de la Paix créeront de nouvelles garanties pour la bonne entente entre les nations du monde civilisé, le Gouvernement IMPERIAL s'est adressé au Gouvernement Néerlandais avec demande de vouloir bien convoquer la Conférence pour les premiers jours de Juin.

J'ai l'honneur d'être, avec la plus haute considération,

Monsieur le Secrétaire d'Etat, de Votre Excellence le très humble et très obéissant serviteur.

BENCKENDORFF.

MINUTES.

No reference is made to the attitude of Italy.

The Press Summary of this circular mentioned June 15 as the date of the meeting. Perhaps the Netherlands Gov[ernmen]t may suggest that date. This note only mentions the beginning of June.

Q[uer]y ackn[owle]dge and say that H[is] M[ajesty]'s Gov[ernmen]t have taken due note of this communication and fully reciprocate the hope expressed in the concluding Para[graph].

W. M.

5 April.

F. A. C.

E. G.

[ED. NOTE.—This communication was acknowledged by Sir Edward Grey on April 8. The formal invitation to the Conference was issued by the Dutch Government on April 10, and accepted by the British on April 19. (F.O. 372/66. 11544/268/07/329.)]

No. 192.

Sir Edward Grey to Sir M. de Bunsen.

F.O. 372/66.

11566/268/07/329.

(No. 14.) Treaty.

Sir,

Foreign Office, April 10, 1907.

I told the Spanish Minister to-day that we had replied to the Italian communication⁽¹⁾ about the discussion on Armaments at the Hague Conference by promising to take it into consideration, and asking whether a similar communication had been made to the other Governments who had expressed an interest in the matter.

The Spanish Minister said his Government had received such a communication, and he had been on the point of asking what our reply was going to be.

I said I should like to know what the Spanish Government thought about it, and I had also already made inquiry as to what the view of the United States was.

⁽¹⁾ [For details *v. infra*, p. 223, No. 193. The communication to Great Britain was dated April 5. F.O. 372, 65. 10890/268/07/329. The text was also sent by Sir E. Egerton on the same date in his despatch No. 61, R. April 8. F.O. 372/66. 11241/268/07/329.]

I could not see why a discussion on this subject should be regarded with apprehension. If any result was reached, it must be by general agreement, and nothing could be forced upon any Power against its will. Some Governments appeared to think that no discussion should take place, because it was not likely that any progress could be made. But to put the subject of Armaments aside, as something so hopeless that it could not be mentioned, would be a distinct step backwards.

I held, therefore, that it should be discussed and kept alive.

For the rest, Signor Tittoni's proposals appeared to be too complicated. It would be better that the subject should simply be mentioned generally, as other subjects had been in the Russian programme, and that concrete proposals should be reserved for the Conference or for the Committee of Great Powers to which the subject might be referred. Spain, of course, would be one of the Powers represented on such a Committee.

[I am, &c.]
E. G[REY].

[*ED. NOTE.*—On April 30 Prince von Bülow made a speech in the Reichstag defining the policy of Germany. It was reported fully in the *Times* of May 1. The chief phrase in the speech, which was received with loud cheers on the Right and among the Liberals, was: "We (*i.e.*, the German Government) . . . contented ourselves with leaving it to those Powers who are sanguine that the discussion will prove successful to conduct this discussion alone."]

II.—THE PROGRAMME OF THE CONFERENCE.

No. 193.

Memorandum showing the Attitude of His Majesty's Government and that of other Powers, with a Summary of the Recommendations of the Inter-Departmental Committee on the principal topics in the Russian Programme.⁽¹⁾

F.O. 372/66.

13111/268/07/329.

April 12, 1907.

The Russian Ambassador, in a note dated the 3rd April, 1906,⁽²⁾ indicated the following as the principal topics for discussion at the Second Peace Conference to be held at The Hague in June next:—

(1.) Improvements to be made in the provisions of the Convention respecting the pacific settlement of international disputes regarding both the Court of Arbitration and the International Commissions of Inquiry.

(2.) Additions to be made to the provisions of the Convention of 1899 respecting the Laws and Practices of Land Warfare, among others the opening of hostilities, the rights of neutrals on land, &c. Declarations of 1899, one among them having lapsed—the question of its renewal.

(3.) Elaboration of a Convention respecting the Laws and Practices of Naval Warfare concerning:—

The special operations of naval warfare, such as the bombardment of ports, towns, and villages by a naval force, the laying of mines, &c.

The transformation of commercial vessels into war-ships.

The private property of belligerents at sea.

The period to be accorded to commercial vessels in leaving neutral ports or those of the enemy after the outbreak of hostilities.

The rights and duties of neutrals at sea, among other questions that of contraband, the treatment to which the ships of belligerents should be subjected in neutral ports, destruction by *force majeure* of neutral ships of commerce, as prizes.

In the said Convention should be introduced arrangements relative to land warfare, which should be equally applicable to naval warfare.

⁽¹⁾ [This memorandum was printed and circulated to the Cabinet on April 17, 1907.]

⁽²⁾ [*v. supra*, p. 188, *Ed. note.*]

(4.) Additions to be made in the Convention of 1899 for the adaptation to naval warfare of the principles of the Geneva Convention of 1864.

Forty-seven States in all were invited to the Conference.⁽³⁾

2. On the 25th July, 1906, Sir Edward Grey wrote as follows to the Russian Ambassador :—

“ His Majesty’s Government gather that it is not the intention of that of Russia that the discussion of the question of international reduction or limitation of expenditure upon armaments should be excluded from the deliberations of the Conference, but that the Russian Government merely desire to guard themselves against the inference that they are specifically committed to such a discussion. His Majesty’s Government read and accept the language of the Russian Government in this sense, and desire to see the question of the reduction of armaments included in the deliberations of the Conference. They are further of opinion that the subjects contained in the programme may, as a whole, be freely discussed with advantage. In accepting, however, the programme as a basis for discussion, His Majesty’s Government deem it desirable to reserve generally the right to abstain from taking part in the discussion at the Conference of any of the questions mentioned in the programme, should the discussion take a form unlikely, in their opinion, to lead to any useful result. The right of making such a reservation is implied in the words ‘*réserve à celle-ci (la Conférence) pleine liberté de discussion et d’action*’ contained in your Excellency’s communication of the 11th ultimo.

“ His Majesty’s Government note with satisfaction that the programme as presented by the Russian Government is of a comprehensive nature, but they consider that the list of subjects enumerated under the third heading as desirable to be comprised in a Convention dealing with the laws and customs of maritime warfare is not sufficiently exhaustive, and they accordingly reserve to themselves the right of suggesting for discussion at a later stage, and within a reasonable time before the date eventually fixed for the meeting of the Conference, other cognate questions of international interest not at present specifically mentioned in the list.”

[3] On the 20th March last His Majesty’s Ambassador at St. Petersburg telegraphed that the Russian Government were contemplating issuing a further communication to the Powers in the nature of a final invitation, and he was instructed to inform the Russian Government that His Majesty’s Government would like it to be stated, in this communication, that they attached importance to a discussion of expenditure upon armaments and reserved the right to raise the question; that they agreed to the question, when raised, being referred to a Committee of the Delegates of the Great Powers which would report to the Conference. They did not think that this Committee should necessarily be composed of military and naval experts, though these might attend it.

4. These views of His Majesty’s Government were communicated to France, Germany, United States, Italy, Austria, Spain, and Japan, on or about the 21st ultimo.

5. On the 3rd instant, the Russian Ambassador addressed a note to Sir E. Grey giving the substance of a Circular which the Russian Government had addressed to the Powers by way of an *exposé* of the position.

It stated *inter alia* that all the States invited in April 1906 had accepted the invitation to attend the Conference.

That the United States had reserved the right of raising two supplementary questions, viz., (1) the reduction or limitation of armaments; and (2) of the maintenance of an Agreement to lay down certain restrictions on the employment of force for the recovery of ordinary public debts resulting from contracts.

That Spain desires limitation of armaments discussed. (The Spanish Minister called a few days ago to express the hope that the British Delegate would support the Spanish Representative being on the Committee if formed.)

That Great Britain attaches great importance to the question of expenditure on armaments being discussed at the Conference, and reserves the right to raise it; they have also reserved to themselves the right of abstaining from the discussion of any question mentioned in the Russian programme which may appear to them as unlikely to lead to a useful result. (The communiqué does not mention the views of Great Britain as set out in last part of paragraph 3.)

That Japan considers that certain questions not enumerated in the programme may advantageously be discussed, and, like Great Britain, reserves the right of abstaining from useless discussions.

That Bolivia, Denmark, Greece, and Holland have replied to a similar effect as Japan.

That Germany, Russia, and Austria likewise reserve the right to abstain from futile discussions.

No mention is made in the communiqué of the views of any other Powers, such as France, Italy, Belgium, &c., so it is to be presumed they have said nothing calling for special comment.

The Netherland Government, the note adds, will suggest that the conference should meet early in June. They have now done so, and the date is the 15th June.

(3) [Forty-four States are shown as actually attending the Conference in *A. & P.*, (1908), CXXIV, (*Cd.* 4081), pp. 35–41. where the list of Representatives is given.]

6. Italy, as the result of a meeting between Prince Bülow and Signor Tittoni, and, as the latter understood, with Prince Bülow's concurrence, suggested to the Powers that they should address a proposal to other Powers to the following effect:—

" 1. That the question of limitation of armaments, though not comprised in the Russian programme, should be discussed at the Conference provided that the Power or the Powers which intend to raise it so inform all the other States concerned.

" 2. That in the notification mention should not only be made of the question, but that the concrete proposals which are considered appropriate for its elucidation should at the same time be indicated.

" 3. That these proposals being presented after the Russian Government has already communicated its programme, which has been accepted by all the other States, this programme should first be exhaustively discussed.

" 4. That if, in the course of the discussion of the proposals for limitation of armaments, the Conference finds itself in a position to express its views ("vœux"), the latter should only signify, in the event of their being favourable thereto, that the Conference should recommend the proposals to the consideration of the Great Powers.

" 5. That such proposals as the Conference may think it expedient to submit to the consideration of the Great Powers should then form the subject of direct negotiations between the latter."

Sir Edward Grey has informed the Italian Chargé d'Affaires that this proposal will be duly considered by His Majesty's Government. We have since learned that neither Russia, Austria, or Germany favour this suggestion.

The subjects set out in the Russian programme, as well as others not included therein, have been most exhaustively examined by an Interdepartmental Committee, which has sat at this Office for some months past, under the presidency of His Majesty's Attorney-General. The result of their labours and the conclusions they have arrived at are fully set out in their Report, which has been circulated to the Cabinet. It would not only be beyond the scope of the present Memorandum, but also unnecessary, to attempt to summarize the various considerations which have influenced the Committee in arriving at their conclusions; these are stated, as concisely as is compatible with completeness, in the Committee's own Report. But it may be useful, with a view to the drafting of Instructions to the British Plenipotentiaries, which should not be too long delayed, to set out the various subjects in the order they are given in the Russian programme, and the recommendations made by the Interdepartmental Committee upon them. The Instructions will probably have to be rather full, having regard to the world-wide interest the Conference has evoked, and as they will sooner or later have to be laid before Parliament. The Committee's Report itself is of too confidential a character ever to be laid, at any rate in its present form.

RUSSIAN PROGRAMME.

1. *Improvements to be made in the Provisions of the Convention of 1899 respecting the Pacific Settlement of International Disputes regarding both the Court of Arbitration and the International Commission of Inquiry.*

This is a very comprehensive and generally worded heading, no indication being given as to the particular respects in which the Convention of 1899 requires amending.

The Committee, however, regard with favour the adaptation of the machinery of the existing Hague Tribunal, which was created by the Convention of 1899, to the purposes of an International Tribunal of Appeal from the national Prize Courts of all countries. They say:—

" The judgments of such a Tribunal would prove the most rapid and efficient machine which the world has yet known for giving form and authority to the canons of international law. It would be necessary that the procedure of the Court should be formulated, and its powers precisely defined, by an international Committee appointed for the purpose, and that the Powers should bind themselves to employ the executive of their Governments to enforce its Decrees against their own citizens. Some alterations in the municipal laws of our own, and probably also of other States, would be required. The language to be employed would also need consideration."

The Committee add—

" If The Hague Conference accomplishes no other object than the constitution of this Tribunal, it will still, in our opinion, have rendered an inestimable service to civilisation and mankind."

2. *Additions to be made to the Provisions of the Convention of 1899, respecting the Laws and Practices of Land Warfare, &c.*

On this heading the Committee remark as follows :—

“ The Russian Government have mentioned the opening of hostilities and the rights of neutrals on land as matters which might be treated in additional stipulations. But beyond this somewhat vague indication, no intimation has, so far as we are aware, been received from any quarter as to the precise measures or principles which are to be brought forward for adoption. We are not aware that the necessity or advisability of any such additions to the Convention has made itself felt in this country, and we have had no material before us enabling us to foreshadow the direction which a discussion on the points briefly mentioned in the Russian programme might take at the Conference. We have therefore felt unable to offer any useful suggestions on the subject, and can only recommend that His Majesty's Government should express their readiness to give to any definite proposals which may in due course be made the earnest and impartial consideration which the important nature of the subject deserves.”

3. *Elaboration of a Convention respecting the Laws and Practices of Naval Warfare concerning—*

(a) *The Special Operations of Naval Warfare, such as the Bombardment of Ports, Towns, and Villages, by a Naval Force, the laying of Mines, &c.*

The Committee are of opinion—

“ That the objection, on humanitarian grounds, to the bombardment of unfortified towns is too strong to justify a resort to that measure, even although it may be permissible under the abstract doctrines of international law. It must, however, be clearly understood that under this head such operations as the bombardment of towns or places used as bases or storerooms of naval or military equipment and supply, or ports containing fighting ships, are not included, and that the landing of troops, or anything partaking of the character of a naval or military operation, is also not covered.”

As regards mines the Committee—

“ Consider that, if possible, the use of automatic mines should be altogether prohibited, and, failing this, that their employment should only be sanctioned under the strictest limitations. We have therefore given our close attention to the subject. We think that it would be to the interest of this country to prohibit the employment of automatic mines altogether in naval warfare, though there will probably be great difficulty in inducing other States, more particularly the smaller naval Powers, to fall in with this view in practice. Failing such a total prohibition we are in favour of an arrangement by which the use of automatic mines should be limited to territorial waters, and, if possible, to such portions of territorial waters as adjoin naval bases or fortified ports.”

They also—

“ Consider that all automatic mines thus employed should be effectively anchored, and so constructed that, in the event of their breaking adrift, they would either become automatically harmless or sink, and that in any case the active life of an automatic mine should not exceed a limited period of, say, six months.

(b) *The Transformation of Commercial Vessels into War-ships.*

On this sub-head the Committee observe as follows :—

“ The Admiralty consider that two categories of ships must be established if all vessels which may be directly associated with the operations of a fleet are to be included in such definition: (A) fighting ships, and (B) fleet auxiliaries.

“ As a definition of (A) the Committee would propose for consideration the following form of words :—

“ Any vessel under a recognized naval flag, officered and manned by regular commission, and armed for the purpose of attacking an enemy, no vessel being allowed to assume this status unless before leaving a national port, or to surrender it except after arrival at one.

“ As a definition of (B) the Committee would propose for consideration :—

“ A vessel under the mercantile flag of either a belligerent or neutral State which is engaged in transporting troops or on duties bringing her into direct communication with the belligerent fighting ships for the purpose of assisting their operations, either by the conveyance of seamen, munitions of war, fuel, provisions, water, or any kind of naval stores, or by executing repairs, or carrying despatches or information, and whether such ship sails in company with the fighting ships or only meets them from time to time.

“ The Committee consider that the general acceptance of definition (A), as supplemented by definition (B), would prove sufficient to prevent the issue by any Powers of letters of

marque (whether such Powers were parties to the Declaration of Paris or not), as none but regularly commissioned men-of-war would have the status of 'fighting ships.' They are also of opinion that it is important to know the views of the United States on this subject, since that Power, although conditionally refusing to sign the Declaration of Paris, intimated its intention of observing it during hostilities with Spain in 1898."

(c.) *The Private Property of Belligerents at Sea.*

On this all-important sub-head the Committee define the present position thus:—

"By immemorial custom of war the private property of the citizens of a State engaged in hostilities is liable to capture on the high seas by an enemy's war-ship.

"The concession made in 1856 by the Declaration of Paris in favour of neutrals exempts from this liability the non-contraband goods of an enemy's subjects while embarked upon neutral vessels, and neutral goods in enemies' vessels.

"An enemy's trading-ships with their cargoes may still be taken, and if neutral goods on board are damaged or depreciated in value before they are restored no claim for compensation can arise. It is now proposed that the right of capture thus qualified should be wholly surrendered, and that the Powers should by mutual agreement provide for the continuance during war of the commerce in non-contraband goods on the high seas of all States, whether neutral or belligerent, without disturbance by the war-ships of any country engaged in hostilities."

And they proceed to say:—

"The question to which we have sought to find an answer is, whether it is advisable for this country, at a time when she holds undoubted preponderance upon the sea, to relinquish the belligerent right of capture, as we have defined it, in consideration of a similar surrender by other Powers.

"After careful consideration of the very weighty arguments, derived both from authority and from policy, which have been urged in support of this proposal, we have come clearly and unanimously to the conclusion that our reply should be in the negative."

(d.) *The Period to be accorded to Commercial Vessels in leaving Neutral Ports or those of the Enemy after the Outbreak of Hostilities.*

On this the Committee say:—

"The cases under which days of grace have been granted by a belligerent fall under the following classes:—

- (a.) The expulsion of an enemy's citizens from all or part of a belligerent's territory;
- (b.) The treatment of an enemy's mercantile vessels in belligerent ports, or on passage thereto, at the time of outbreak of hostilities;
- (c.) The establishment of a blockade.

The time in cases falling under (a) must vary largely according to the circumstances in which they arise. A fixed period is, therefore, not likely to receive general acceptance. The periods allowed in cases coming under (b) have varied greatly: at the opening of the Crimean war, 6 weeks; in the case of Great Britain and Germany blockading Venezuela, 15 days; in the Russo-Japanese war—Russia, 48 hours; Japan, 7 days. The Admiralty view of this question is that the allowance of days of grace should be treated purely as a matter of grace and favour, and not as one of right, and we are of opinion that any fixed rule on the point would be undesirable, as the circumstances of each case must necessarily differ. We are also agreed that it will be to the general interest of this country to maintain the utmost liberty of action in this particular."

(e.) *The Rights and Duties of Neutrals at Sea: among other Questions that of Contraband; the Treatment to which the Ships of Belligerents should be subjected in Neutral Ports; Destruction by force majeure of Neutral Ships of Commerce as Prizes.*

On the first paragraph the Committee say:—

"The Russian programme contemplates the discussion of the obligations of a neutral State, and the Secretary to the Committee of Imperial Defence has furnished the following observations:—

"Many questions in regard to neutrality obligations may be raised at the coming Conference as a result of the experience of the late war. On the general principles involved nations are agreed, but in the application of these principles great divergence in the standard of obligations adopted by different Powers is sure to arise.

“ Rules based on such principles as the following would help to clear the situation :—

“(a.) Neutrals shall not allow their territorial waters to be used for purposes which will directly assist a belligerent in operations of war.

“(b.) The usages of nations to grant the customary maritime facilities known as “hospitality” shall not be withheld.

“(c.) A neutral State is not called upon to enforce the observance of the restrictions imposed upon trade by a belligerent by declarations of contraband and conditional contraband, but must not assist in their violation.

“(d.) A neutral should not allow the entrance of prizes into his harbours, unless the prize is in want of fuel or supplies, or in actual danger on account of bad weather or unseaworthiness.

“ Under Rule (a) a neutral could not allow belligerent vessels to use any place in territorial waters as a base for hostile operations. This would include the installation of a wireless telegraphy station, the carrying out of repairs other than those allowed under the term “hospitality,” coaling of war-ships or ships attending on a belligerent fleet from the belligerent’s vessels, the shipping of any stores from vessels under the belligerent flag, the anchorage of prizes for security against the enemy.

“ Rule (b) would not justify a neutral in supplying a belligerent with munitions of war, coal, provisions, and stores other than are necessary in addition to what is already on board for the ship to proceed to the nearest port in the direction of her own country where coal can be obtained, in permitting repairs other than those necessary for a like object, or allowing a stay in port beyond the fixed limit. On the other hand, hospitality implies assistance for the welfare of the sick; but men sent on shore for medical treatment should not be allowed to re-embark.

“ On lines such as the above it is possible that an agreement might be reached. Great Britain as a belligerent will not depend on the assistance of neutrals in the direct carrying out of operations of war. Our interests as neutrals require uniformity of procedure on the part of neutrals generally.”

“ We are of opinion that the above remarks express in general terms the doctrine which obtains in this country as regards the obligations of neutrality. We consider, however, that it would be desirable that it should obtain international sanction at the Conference.

“ We think it would be of advantage to secure, if possible, an admission by the leading Continental Powers that the rules embodied in Article VI of the Treaty of Washington,* by which this country and the United States of America are already bound, contain an accurate interpretation of international law, and constitute, in similar circumstances, a guiding principle for the construction and application of the obligation of neutrals to refrain from aiding either belligerent during war.”

As regards contraband the Committee advocate the abandonment of it altogether; they consider that such a change in the law of nations would be of great advantage both to Great Britain and in the general interests of the world at large. They doubt, however, the expediency of the British representatives proposing it lest its unbiased discussion should be prejudiced by the obvious interest of Great Britain in making it. They summarize their views in the following conclusions :—

“ 1. That, failing the complete abolition of contraband of war, its definition and specification should be restricted upon lines which have the point of practical extinction as their ultimate aim.

“ 2. That regulations should be proposed or supported which would insure the publication of lists of contraband during peace, when the legitimacy of the declaration may be challenged and discussed, and differences of opinion adjusted.

“ 3. That every effective measure necessary to protect the importation of food supplies and raw materials for peaceful industries should be accompanied by all the sanctions which the law of nations can supply.

“ 4. That a list be prepared and supported by Treaty, specifying the articles which in no event shall fall within the enumeration of contraband, e.g., mails, food stuffs for other

* These Rules are as follows :—

“ A neutral Government is bound—

“ First. To use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

“ Secondly. Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

“ Thirdly. To exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.”

than beleaguered fortresses, and any raw materials required for the purposes of peaceful industry.

" 5. That the right of search be limited in every practicable way, *e.g.*, by the adoption of a system of Consular certificates of the absence of contraband from the cargo, and the exemption of passenger and mail steamers upon defined routes, &c."

With regard to the treatment of belligerent vessels in neutral ports, the Committee supplement what has been quoted *ante* (p. 10)⁽³⁾ with the following observations as regards interned belligerent vessels :—

" The subject of the treatment of interned belligerent vessels appears, in the Russian programme, to be included under the heading, ' Régime auquel seraient soumis les bâtiments des belligérants dans les ports neutres.' As regards the specific case of interned belligerent war-ships, the Committee consider that while the war-ship of a belligerent taking refuge in a neutral port must, failing her departure within twenty-four hours, be interned, the question of her ultimate disposal must necessarily form one of the terms of the Treaty of Peace. For example, one of the terms of peace put forward by the Japanese Plenipotentiaries at the negotiations at Portsmouth, but afterwards abandoned, was the surrender to Japan of the Russian war-ships which had taken refuge at Kiaochau, Shanghai, and Saigon, and which had there been interned."

As regards the sinking of neutral prizes which gave rise to so much feeling in the Russo-Japanese war the Committee say :—

" The Russian programme includes the discussion of the right of a belligerent to destroy neutral prizes. Great Britain and the United States have maintained that the right to destroy is confined to enemy vessels only, and this view is favoured by some other Powers. As regards the right to sink captured neutral vessels, the view hitherto taken by the greater naval Powers has been that, in the event of it being impossible to bring in a vessel for adjudication, she must be released. The Committee are agreed that Great Britain should insist upon the maintenance of the doctrine upon this subject which her Courts have, for at least 200 years, held to be the law."

4. *Additions to be made to the Convention of 1899 for the Adaptation to Naval Warfare of the Principles of the Geneva Convention of 1864.*

As to this the Committee observe :—

" A Convention of fourteen Articles, applying the principles of the Geneva Convention of 1864 to maritime warfare, was signed by the Powers represented at The Hague Conference of 1899, Article X (respecting the landing of shipwrecked, wounded, or sick of a belligerent Power at a neutral port) being excluded by Great Britain, Germany, the United States, and Turkey. The Russian programme contemplates supplementary provisions to the Convention, which deals only with the treatment of shipwrecked, wounded, or sick men, and with vessels employed for these purposes, and the Committee are agreed that there seems no reason why His Majesty's Government should withhold their consent to such provisions, if proposed at the forthcoming Conference, provided that misuse of the privileges involved can be prevented."

The Committee's Reports deal with many other topics which may arise at the Conference, and which, though they may indirectly flow from what may be termed programme subjects, are not specifically mentioned in it.

The Reports also touch on the " armaments " question and the " Drago Doctrine," which the United States intend to raise.

The object of the present Memorandum, however, is only to briefly summarize the conclusions of the Committee on the specific headings of the programme in the order in which they stand.

W. M[AYCOCK].

Foreign Office, April 12, 1907.

(3) [*v. supra*, pp. 225-6 (e).]

[ED. NOTE.—For the instructions to the British delegates to the Conference, *v. infra*, pp. 242-50, No. 206.]

No. 194.

Sir Edward Grey to Sir A. Nicolson.

F.O. 372/66.

14341/268/07/329.

(No. 25.) Treaty.

Sir,

Foreign Office, May 1, 1907.

I observed to Count Benckendorff to-day that M. Isvolsky seemed to have been apprehensive as to what might happen at the Hague Conference in connection with Armaments.

I could assure him there would be no friction as far as we were concerned.

The proposal I had had in my mind was that the different Powers should communicate their Naval programmes to each other before disclosing them to their own Parliaments and being publicly and officially committed to them. This would provide an opportunity for negotiations, and would help the Powers to realise how much in some cases the Naval programme of one Power is dependent upon that of another. At present, Naval programmes were announced publicly, and the Governments were committed to them in such a way that they could not modify them; and when one Government had done this, another was obliged to follow suit.

Count Benckendorff asked whether he might tell M. Isvolsky that this was my personal view of what we might propose.

I told him he might say it was my personal view of what I had thought it possible to propose. But, after Prince Bülow's declaration, I did not wish it to be understood that we intended to make any proposal at all.

Prince Bülow's announcement had been very frank. I wished to avoid friction, and I should not like the German Government to think, after what they had stated, that any new difficulties were going to be made for them by pressing proposals upon them against their will.

And, in any case, before coming to any decision I should have to know what the views of the United States were, and whether they contemplated making any proposal, which might be more far-reaching than ours.

Count Benckendorff thought Prince Bülow's speech generally ought to give satisfaction, and I entirely agreed.

I said I considered it a very favourable speech. It would make it easy for us to respond in a favourable tone in any discussion which arose in Parliament. Otherwise, this would have been difficult after the recent outbreak in the German press and the provocative speech of a man in such a position as Herr Bassermann. Had Prince Bülow not spoken as he did, it would have been difficult to know what to say. But now it would be quite easy.

[I am, &c.]
E. G[REY].

No. 195.

*Sir Edward Grey to Sir A. Nicolson.*Private.⁽¹⁾

My dear Nicolson,

May 1, 1907.

We shall arrange not to have any more friction with Germany at the Conference about Armaments. Bülow has now come into the open, and we know where we are.

If discussion is impossible or fruitless, we shall go on with the Naval expenditure which we now have in suspense.

⁽¹⁾ [Grey MSS., Vol. 33, and Carnock MSS., Vol. I of 1907.]

We cannot force things at the Conference against the will of the other Powers. Nothing can be done except by goodwill and agreement. And if these are not forthcoming, M. Isvolsky may rely on it that we shall not make difficulties which will impede the work of the Conference, or produce unpleasantness after it, has met. . . .⁽²⁾

Yours sincerely,
E. GREY.

⁽²⁾ [The remainder of the letter is printed in *Gooch & Temperley*, Vol. IV, p. 292, No. 270.]

No. 196.

Sir F. Lascelles to Sir Edward Grey.

F.O. 371/195.

14569/14569/07/18.

(No. 184.) Confidential.

Sir,

Berlin, D. May 2, 1907.

R. May 6, 1907.

Baron d'Aehrenthal, who arrived in Berlin yesterday morning and will return to Vienna to-morrow night, was good enough to pay me a visit this afternoon. He did not say anything of especial interest. He had been gratified by the friendly manner in which he had been received by the Emperor, with whom he had had a long conversation. He had seen the Chancellor twice and on the second occasion had had a conversation with him which lasted for two hours. He found Prince Bülow looking well though considerably aged since the last time he had seen him. He hoped that the recent discussion on Foreign Affairs in the Reichstag would have a calming effect on public opinion. This observation enabled me to refer to what appeared to me to be the unreasoning panic which had been caused by unauthorized articles in the "Neue Freie Presse" and the Cologne Gazette, but which did not last long and which now seemed to have subsided. Baron d'Aehrenthal said that he did not believe that there was any danger of the Peace of the World being disturbed by any action of Germany, and that he was convinced that the Emperor himself was animated by the most pacific intentions. I said that I entirely shared his conviction. The Emperor had certainly kept the peace since he had been on the throne, and if he wanted war, he could have found opportunities or even have made them himself of bringing it about. Unfortunately His Majesty in speaking was apt to indulge in exaggeration which sometimes produced a different impression from what he himself intended.

In alluding to the Hague Conference, Baron d'Aehrenthal said that he could not help regretting that His Majesty's Government had thought it necessary to raise the question of the limitation of the expenditure.⁽¹⁾ I stated shortly the reasons for the decision at which His Majesty's Government had arrived, with which he was already acquainted and which he thoroughly understood. But if the conference, which was not likely, should pass a resolution as to the amount which the different states should spend on armaments, the effect on Austria-Hungary would be disastrous. She would at once have to double her war budget in order to bring it up even approximately to the level of those of other nations.

I have, &c.

FRANK C. LASCELLES.

⁽¹⁾ [A fuller explanation of the attitude of Baron von Aehrenthal is given in the *Ed. note* immediately following.]

[ED. NOTE.—

Extract from Annual Report for Austria-Hungary, 1907.

[Enclosed in Despatch No. 72 from Sir W. Goschen of May 11, 1908, R. May 18, 1908.
F.O. 371/398. 16971/16971/08/3.]

In his speeches before the delegations, Baron Achrenthal made but a brief reference to the Second Peace Conference. . . . His Excellency did not touch upon the negotiations with regard to the programme of the Conference, or to the discussions which took place upon the subject of the limitation of armaments; they are nevertheless too instructive to be passed over in silence in this Report.

26. At the beginning of March Professor de Martens came to Vienna in order to discuss with Baron d'Aehrenthal the programme for the Conference, and to endeavour to persuade his Excellency of the expediency of allowing the question of the limitation of armaments to be included as a subject for discussion in that programme. M. de Martens' chief argument was that this question was after all a legacy from the First Hague Conference, and that, if it were included in the programme of the Second Conference, Austria-Hungary and Germany would be in the same position as any other Power, who might, after discussion, reject the scheme as impracticable. That if, on the contrary, they refused to allow the question to be included, or declined to take part in the Conference if it was so included, the two Governments would run the risk of wrecking the Conference, lay themselves open to much hostile criticism, and incur the reproach of having by their recalcitrant attitude delayed for an indefinite period the discussion of other important and practical questions, the settlement of which was a matter of deep interest to the whole world.

27. Baron d'Aehrenthal was utterly unmoved by this argument, and merely stated that the Austro-Hungarian Government was in agreement with that of Germany on this question, and that it appeared to both Governments that it would be unwise to introduce into the programme of the Conference any question of which the discussion could lead to no practical result, and that it would be better that the question of the limitation of armaments should form the subject of a preliminary discussion between the Governments of the countries to be represented at the Conference. M. de Martens pointed out that such a procedure would involve delay of at least a year—probably more—and he enlarged upon the deplorable effect which the postponement of the Conference for an indefinite period would have upon the world at large. He was, however, unable to make any impression upon Baron d'Aehrenthal, and after a week of fruitless discussion left Vienna anything but satisfied with the result of his mission. He told me himself that his visit had been perfectly useless, and that as a matter of fact he need not have extended his journey beyond Berlin.

28. In discussing the subject with me, Baron d'Aehrenthal's line was invariably that he only knew of one programme, viz., that which had been drawn up by the Russian Government in the previous year, and that in that programme there had been no mention of any discussion with regard to the expenses of armaments, and that he regretted that His Majesty's Government desired to enlarge the scope of the work of the Conference by raising a discussion which was not only unprofitable in itself, but which possibly might lead to friction and disturb rather than improve the general relations between the Powers. In the frequent conversations I had with his Excellency on this subject he could never be moved from this point of view, and, indeed, the only argument he ever produced in support of it was that every country, and especially every monarchical country, formed its own idea of the policy which was most suitable to its interests: that with that policy other Powers had nothing to do, and that any attempt on their part to change that policy or to dictate a new one would be an interference in its internal affairs to which no self-respecting State could possibly consent.

29. On one occasion he observed that "time was money," and that he wondered that the Government of a practical country like Great Britain had not realized what a waste of time would be entailed by the premature discussion of an unrealizable ideal. I told him, in reply, that while it was possible that such an ideal could not for the moment be realized, I presumed that His Majesty's Government did not consider that it would be a waste of time to keep before the world the eventual possibility of putting a limit to the burden which the increasing expenditure on armaments laid upon all the Great Powers.

30. As it had been frequently and publicly stated by Austro-Hungarian naval and military authorities that to Austria-Hungary the reduction of armaments was a matter of no importance whatever, as their army and navy was on such a low level that it would be years before any scheme for a reduction of armaments could touch them, it is to be presumed that M. Isvolsky was right when he said to me that Austria-Hungary was blindly following Germany's lead in this matter, adding that she was even more German than Germany, and had given more trouble than all the Powers put together.

31. What took place at the Conference itself is outside the scope of this Report; but, before it met, Baron d'Aehrenthal never gave any inkling of the attitude which the Austro-Hungarian Delegates were to observe.]

No. 197.

Sir Edward Grey to Mr. Bryce.

F.O. 372/66.

14799/268/07/329.

(No. 20.) Treaty.

Sir,

Foreign Office, May 2, 1907.

I told Mr. Whitelaw Reid to-day that I should like to know what the views of the United States' Government were with regard to Prince Bülow's speech.

I had been intending to suggest that we should propose, at the Hague Conference, that the Great Powers should communicate to each other in advance their programmes of new Naval construction. This would at any rate provide a constant opportunity for negotiation, would keep the subject of expenditure on Armaments alive, and would tend to make the nations aware how much in some cases the expenditure of one depended upon the expenditure of another.

I felt, however, after Prince Bülow's announcement to the whole world that Germany would not participate in any discussion with regard to Armaments, some apprehension lest to put before the German Government a proposal, however modest, might be regarded as a deliberate provocation.

Therefore, I wished to know what the views of the United States' Government were, and what proposal they had in mind.

The Ambassador said that he had informed his Government that the desire for a discussion on Armaments was receiving much less support from public opinion, even here, than he had expected. And he gathered that the Opposition here were against it.

I told him that was because the Opposition were afraid of anything that might lead to a reduction of our Naval expenditure.

Mr. Whitelaw Reid further remarked that he thought Germany would not entertain even such a proposal as I had indicated. He believed it to be her desire to build a Fleet which should be stronger than ours.

I said that if she tried to do this we should certainly build so as to keep ahead of her. The German Navy and Army had to be taken together, and compared with our Navy and Army. When the two forces were considered together, it was easy to see that, however superior our Fleet was to the German one, we should never be in a position to conquer Germany, while if her Fleet rivalled ours we should be in danger owing to the size of her Army of being conquered by her. We must, therefore, maintain the superiority of our Fleet. And, if Germany had the intention which he thought, it would mean a considerable increase in German Naval expenditure and in ours. This would force the pace for the world in general, and I thought this a great pity.

[I am, &c.]
E. G[REY].

No. 198.

Sir Edward Grey to Sir F. Lascelles.

F.O. 371/260.

14932/14932/07/18.

(No. 133.)

Sir,

Foreign Office, May 3, 1907.

Herr von Stumm told me to-day that he observed in the newspapers that Prince Bülow had made a speech in the Reichstag, and said he would like to know the impression it had made upon me.⁽¹⁾

⁽¹⁾ [*cp. infra*, p. 237, No. 201.]

I told him that I recognised the favourable tone of the speech.

It was not probable that I should have to say anything in Parliament soon. But if any Debate did arise, it would now be easy to speak in the same tone as Prince Bülow had adopted. After the fault which had been found with England lately in the German press, and a speech such as that of Herr Bassermann, had there been a Debate in our Parliament these matters would certainly have been the object of comment, and it would have been difficult to know what tone to adopt. Prince Bülow's speech had removed this difficulty.

[I am, &c.]
E. G[REY].

No. 199.

Mr. Cartwright to Sir Edward Grey.

F.O. 371/260.

14965/14932/07/18 C.

(No. 48.)

Sir,

Munich, D. May 6, 1907.

R. May 8, 1907.

Ever since the beginning of the year when it became evident that the second Peace Conference at The Hague would really meet this summer, and ever since it became clear that attempts would be made at it by certain Powers to bring about a discussion on the question of limitation of armaments, the German public have been kept in suspense as to the attitude the Imperial Government would finally take with regard to the latter point. In his speech on the 30th ultimo Prince Bülow has thrown light upon this subject, and evidently from his words one would infer that he believes that the public will be reassured by the decision of the Imperial Government to go to The Hague Conference to discuss the Russian Programme and nothing else. The Chancellor must be really of a somewhat sanguine temperament if he thinks that by relegating to the background the one question touching The Hague Conference which has attracted the attention of the public here, he has put an end to all further alarmist discussions in the press as to Germany's relations with foreign Powers. For three months the press have been working themselves up into a state of excitement over the question of the limitation of armaments and have forced the question on the attention of the public. The usually inspired organs of the press have published the most contradictory articles on this question: one day it would be asserted that a discussion on limitation of armaments at The Hague was a matter of little concern to Germany; the following day an article would appear in some other leading newspaper declaring that the situation was very grave and that an intrigue was being carried on by Great Britain to compel Germany to come to The Hague, there to discuss a subject against her wish and so to obtain a moral triumph over her. It is all very well for Prince Bülow to come before the Reichstag and in a nonchalant manner to announce—as if he were disposing of a matter of trifling importance—that the German delegate will withdraw from the Conference whenever the question of limitation of armaments comes on for discussion. Thinking people here are asking themselves why the Imperial Government did not come to this conclusion long ago, whereby they would have prevented all the press agitation on the subject which has helped so much to embitter the relations between Great Britain and Germany, when at the close of last year there seemed every prospect of their being placed on a better footing. I am afraid that the only answer which can be given to this question is that a great divergence of opinion prevailed at head-quarters with regard to the attitude which the Imperial Government should assume at The Hague Conference, and this will only tend to increase the want of confidence which is being felt here in the general management of German foreign policy. Who is responsible for this? Is it the Kaiser or his Chancellor who is credited with a want of aim and decision in his

views? For most people the blame will lie with the Kaiser, for everything which goes wrong in Germany's foreign relations is now rightly or wrongly laid to his charge.

It is certainly not edifying or reassuring to the German public to note that a few weeks before Prince Bülow made a definite declaration as to Germany's attitude at The Hague Conference, Herr von Tschirschky, the Secretary of State, had sent a telegram to the London "Tribune" which led the world to believe that the Imperial Government had no objection to discuss there the limitation of armaments proposal. These divergencies of views are evidence that something is radically wrong in the management of Imperial affairs, and the pessimism which the consciousness of this engenders in this country will not be dispersed by a few optimistic phrases which the Chancellor may utter in the Reichstag.

As was to be expected, every newspaper in Germany has been called upon to give its readers some comment on Prince Bülow's speech in the Reichstag, but in spite of all the industry displayed by the editors I cannot find anything very lucid in their remarks. I may say, however, that as far as I am able to judge of the situation, the German public as a whole are satisfied with the attitude assumed by the Imperial Government with regard to limitation of armaments. For them this question has been a bugbear for many months past, and it is now settled so far as Germany is concerned, and the only people in this country who seem to regret this are the Social Democrats who in a lukewarm manner criticize the Government. As a sample of such criticism I will quote the substance of an article in the "Münchener Post," the leading Munich Social Democratic newspaper. For the "Münchener Post" the so-called unanimity shown in the Reichstag in favour of Germany's abstention from taking part in the discussion of the British proposal at The Hague, was a well-prepared farce, intended to give the world the impression that the whole nation stood behind Prince Bülow in this matter. The leaders of the different factions were by prearrangement put up to speak in the same terms as Prince Bülow, so that when the Chancellor rose to announce the Government policy he could point to the unanimity which existed with regard to it. In reality, however, the Chancellor, the Secretary of State and the leaders of the various factions were puppets in the Kaiser's hands and were not acting spontaneously. It is no use to ignore the fact that a strong wave of feeling is passing over the civilized world in favour of a limitation of those armaments the expense of which lies like a deadweight on the working classes. There is no sense in the German inspired press continuing to argue that Sir Henry Campbell-Bannerman has merely taken up the question of limitation of armament because he has accidentally committed himself to his electors on the subject. If he has committed himself to them, is it not a proof of how deeply the desire for a limitation of armaments has sunk into the mind of the British working classes? It would not be for the first time in history that a great moral idea ("Kulturgedanke") has issued from Great Britain and then permeated slowly into other countries. By a curt refusal to take part in the discussion at The Hague, Germany has not improved her position in the world; she could have discussed this question with dignity and lost nothing by doing so. Now, by her stubborn attitude, it is to be feared that in all future diplomatic conflicts and negotiations which may arise she will find that she has further impaired her position, and that the outlook left open to her for winning to herself sympathies and friends in the world will have greatly decreased.

So much for the Socialist comments on that part of Prince Bülow's speech which relates to The Hague Conference, and, as I have already stated, however moderate and sensible they may appear, they stand almost alone and scarcely find an echo either in the national-liberal or Catholic press.

To turn to another point in Prince Bülow's speech, that is the desire expressed from so many quarters in the Reichstag that that body should be kept better informed with regard to foreign affairs, I feel no doubt that those sentiments accurately reflect the growing public desire that the German nation also should not be left so completely

in the dark with regard to the real intentions of the Imperial Government on those questions. Prince Bülow in dealing with this matter was amiability itself, but everybody could gather from what he said that neither the Kaiser nor his Chancellor had the slightest intention of being controlled in their Diplomacy by parliamentary interference. That public opinion is knocking louder every day at the door of the Berlin Foreign Office for information is not to be wondered at, and it is in great part the result of the Kaiser's personal methods of conducting the affairs of the Empire. A generation ago the German public took but little interest in general foreign affairs, except in those which affected her relations with her neighbours, France and Russia, and these were left in full confidence in the hands of Prince Bismarck. Things have changed since then: Colonies have been acquired; a big navy has been constructed; the Kaiser by his incessant journeys has attracted the attention of his people to foreign countries and their affairs, and finally the great increase of Germany's economic development and consequent power of expansion, have all contributed to create a spirit of discontent in wide circles with the personal régime of the Kaiser and have inspired a more vigorous criticism of the Imperial "Weltpolitik."

As you are aware the third portion of Prince Bülow's speech dealt very lightly and in an optimistic tone with Germany's relations to foreign countries. This part of the Chancellor's speech meets with only laudatory comments in the inspired press, but the more independent newspapers do not greet it with entire satisfaction, and although they agree with him that the recent nervousness and alarm in Germany are a bad symptom and that everything should be done to allay them, they are of opinion that something more than the expression of a few optimistic words in the Reichstag will be required to effect the desired purpose. There are many people here who point out that it is somewhat strange to see Prince Bülow cooing like a dove of peace in the Reichstag when only a week before General von Einem, the Minister of War, had in the same place spoken in grave terms of the necessity that the country should be prepared to withstand attack, in order to obtain from Parliament large credits for military purposes—defensive it is true, but which uncommonly looked as if they were intended for what might be called an aggressive defence.

When dealing with Italy, Prince Bülow treated the Royal meetings at Cartagena and Gaeta as matters of no political significance and which did not concern Germany, and he reassured his hearers with regard to Italy's fidelity to the Triple Alliance. This will hardly be sufficient to efface in the public mind the deep impression produced in Germany by King Edward's visits to Spain and Italy, an impression which was rendered all the more profound by the controversies which arose in the press as to the real meaning of those meetings. The public also cannot forget that only a very short while before Prince Bülow delivered his speech, the correspondent of a German newspaper interviewed Signor Luzzatti in the hope of obtaining from that Italian Statesman an expression of sympathy for Germany. Far from obtaining this, Signor Luzzatti gave vent to his dissatisfaction with Germany's foreign policy in very energetic terms, and he expressed his opinion that it was high time for Italy to emancipate herself from Teutonic tutelage. This was not all; a week later Signor Luzzatti was appointed Minister of the Italian Treasury and he lost no time in his official capacity to advise his countrymen to keep their money for themselves and not to invest it in the new German Government Loan. The German press console themselves now by calling Signor Luzzatti a light-headed politician and one of "Barrère's men." Incidents like this contribute a great deal to increase the dislike of Italy which is rapidly growing here.

It must be evident to Prince Bülow that something more is wanted to calm the country than an appearance of serenity on his part, and for this reason the inspired press for the last three weeks have been assiduously doing their best to hold up a bright prospect in store for Germany, and that prospect is not only the possible but the probable reconciliation with France in the near future. Every person of note in Germany and in France has been interviewed on this subject and they have naturally

all expressed their delight at the possibility of a better understanding between the two countries. Articles are appearing in the German newspapers saying that the understanding would be as good as arrived at were it not for the mischief-making of such papers as the "Temps," and extracts are published from the "Libre Parole," the "Echo de Paris" and the "Eclair" to show that the feeling in France is growing cooler with regard to the entente cordiale with England. It is of interest to note that the German bankers and the financiers who have been interviewed all express themselves as most desirous that the French should be persuaded to lend their superfluous capital to fully develop German industries; by doing so both countries would gain materially, and, at the same time France, having won a financial interest in Germany, would have every desire to keep on good terms with her. Therefore the political relations between the two neighbouring Powers would improve of themselves without their having recourse to the efforts of Diplomacy. It is needless to say that the German public are being flattered with the hope that when France and Germany are reconciled, the Dual Alliance between the former country and Russia will be converted into a Triple Alliance with Germany. When this occurs Germany will be able to treat with indifference the views and wishes of the nations who live on such extremities of the European continent as Spain and Italy.

Although an apparent calm has come over the German press since Prince Bülow has delivered his speech, evidence is not wanting, as I have already stated, to show that the public are dissatisfied with, and not entirely reassured by its official optimism. Great divergence of views is revealed as to the possibility of a rapprochement with France, and the present moral isolation of Germany in the world has a disagreeable effect on the German public. In conclusion I will report to you as briefly as possible the substance of two articles I have noticed in newspapers here, the one a national-liberal and the other a Catholic organ, which give expression to these sentiments.

The Stuttgart "Schwäbische Merkur" in a recent article blames the Chancellor for allowing his organ, the "Norddeutsche Allgemeine Zeitung," to reprimand the German press for the nervousness they show with regard to foreign affairs, for it must be remembered that this nervousness is largely due to the actions of the leaders of German foreign policy. If attention is called to the present situation of Germany in the world, it is impossible to view it with the exaggerated official optimism. If the officials of the Foreign Office desire to calm the alarm which exists in Germany, they must themselves assume a genuine attitude of dignity and serene calmness. If the public begin to suspect that its leaders are nervous, they will lose their heads from fear; in reality there is no reason for anxiety if Germany abstains from intrigues and merely defends her rights and her acquired position in the world. Everyone in Germany is agreed that the nation must maintain her armaments to the full, for did not Count Moltke observe after the war of 1870 that what Germany had obtained on the battlefield in a few months she would have to defend for fifty years with her sword in hand. If she remains on the defensive, no one will attack her; if she becomes restless, she will plunge into adventures. In the opinion of the "Schwäbische Merkur" the Foreign Office are to blame for their attempts to delude the public into believing by articles published in the inspired press that a rapprochement is possible between Germany and France. The most fantastic incidents are magnified into signs of the approaching reconciliation, and the Prince of Monaco is continually being paraded as a friendly intermediary between the two Governments; it is even asserted that all the differences between France and Germany are to be settled by an Arbitration Court. All this talk leads to no good, and instead of inspiring the public with confidence in their Foreign Office and in instilling into them the true sense of the national dignity, it has the very reverse effect.

The Catholic Munich "Bayerische Kurier" is of opinion that it only complicates matters when the Reichstag, with a fine pretence of patriotism makes believe that the spectre of war is in sight, and the War Minister provokes every foreign nation by shouting aloud that Germany intends to arm to the teeth. When the "Correspondencia de España," an irresponsible organ, brought out the sensational

news of the conclusion of a Quadruple Alliance between Great Britain, France, Spain, and Italy, the German press were incensed and loud in their criticisms on this uncalled for outrage on the German nation, but when in full Parliament the Minister of War brandishes his sword in the face of every foreign nation, the German press think it quite natural and proper and are astonished that some resentment should be aroused in the press of foreign countries. One cannot protest too strongly against such language as was used by General von Einem.

I have, &c.

FAIRFAX L. CARTWRIGHT.

MINUTES.

An interesting review of the situation. Mr. Cartwright shows himself a shrewd observer of the current of German thought in political matters.

A good despatch.

E. A. C. May 8.

C. H.

E. G.

No. 200.

Sir Edward Grey to Mr. Bryce.

F.O. 372/66.

15059/268/07/329.

(No. 21.) Treaty.

Sir,

Foreign Office, May 6, 1907.

Mr. Whitelaw Reid told me to-day that he had communicated my views on Prince Bülow's speech to Mr. Root. He showed me a telegram from Mr. Root to the effect that Mr. Root was still of opinion that the question of Armaments should be discussed at the Conference, even if it led to no practical result.

Mr. Root thought the best plan would be to put to the Conference the question of whether a plan could be found, and to have that referred to a Committee. If the Committee could not find a plan, nothing would come of it. If it did, the plan would be submitted to the Conference.

I said that, before Prince Bülow spoke, I had made it known to the German Government that we should agree to this procedure. But my intimation had met with no response whatever, and Prince Bülow had made no reference to it in his speech.

I could not, therefore, press this upon the German Government any more. We should be quite willing to support such a proposal. But I suggested that the United States' Government should be informed of the communication I had already made to the German Ambassador in conversation some time ago, and that Mr. Root should communicate with the Germans direct.

[I am, &c.]

E. G[REY].

MINUTE BY KING EDWARD.

App[rove]d.—E.R.

No. 201.

Sir Edward Grey to Sir F. Lascelles.

F.O. 372/66.

15060/268/07/329.

(No. 34.) Treaty.

Sir,

Foreign Office, May 8, 1907.

In commenting upon Prince Bülow's speech, I explained to Herr von Stumm on the 3rd inst[ant]⁽¹⁾ with regard to the question of Armaments, as I had done to others, the proposal which I had in mind for the Hague Conference.

I did not know whether the United States had decided upon any proposal. But it was impossible to come to any practical result without Germany, who was a most important factor from both the military and naval point of view.

I could not say anything more definite at the moment, but Herr von Stumm might rely on it that we should not make difficulties with regard to Germany's attitude, and that we were determined that a Conference which was summoned for the purposes of peace should not result in friction.

The German press seemed to think that we had a cut and dried proposal which contained some trap for Germany. But there had been nothing of the kind in the proposal which I had had in mind.

Herr von Stumm said that, as regards the German naval programme, the Germans had formed a definite opinion as to the standard up to which they wished to bring their Fleet. Their programme had been elaborated for this purpose, and he thought the standard would probably be reached in about 1917. He did not think they were likely to depart from this programme, or to increase it.

[I am, &c.]

E. G[REY].

(1) [*v. supra*, pp. 231-2, No. 198.]

No. 202.

*Note by Sir E. Satow.**(Communicated to the Foreign Office, May 15, 1907.)*

F.O. 372/66.

15954/268/07/329.

May 13, 1907.

The questions of the limitation of armaments, of immunity of private property from capture on the high seas and of contraband of war, are closely connected; the first with the second, and the second again with the third. The first with the second, because, if the private ships and cargoes belonging to belligerents are to be no longer liable to capture by the war-vessels of an enemy, the necessity of maintaining large fleets for the protection of commerce would be greatly diminished, and the duties of war-ships would be mainly confined henceforward to naval warfare against the enemy's war-ships, the blockade of his ports and the protection of transports and store-ships. The second is connected with the third, because, if the Powers are to be free to make out lists of contraband as it may suit their convenience, in order either to starve out the enemy nation or to deprive it of the raw material of its principal industries, then the proposed recognition of the immunity of private property at sea would be a dead letter from the beginning.⁽¹⁾

(1) [Marginal comment by Mr. F. A. Campbell: "No doubt if Powers are to be free to make out such lists. But if contraband be abolished, or strictly confined to arms and ammunition, the corrective disappears. F. A. C."]

At the Peace Conference of 1899 certain definite proposals for the limitation of armaments were brought forward by Russia, which were not regarded as practicable, but a resolution was finally adopted as follows :

“ A limitation of the military charges which now weigh upon the world is greatly to be desired in the interests of the material and moral welfare of humanity.”

Even if it is not yet possible to devise a practicable scheme for the limitation of armaments, it seems desirable at least to reaffirm the principle unanimously accepted in 1899; and if the Representatives of any Power should bring up the question, it would be useful to recite the Russian Circular of 24 August 1898 and the official communication published in the “ Journal de St. Pétersbourg ” of 4 September, 1898, stating the objects the Emperor of Russia had in view in proposing the Conference. I conceive that we might, even, safely go so far as to express our willingness to leave our land and sea-forces in *statu quo*, increasing neither the number of men, horses, guns, ships, tonnage, calibre of guns used respectively on land and at sea, on condition that the other Great Powers agreed to do the same; provided that in doing so we carefully refrained from any intimation that if our offer were not accepted we should “ reserve our liberty of action,” and from using any other diplomatic phrase that implied a threat to increase our armaments.

In 1899 the United States’ Plenipotentiaries proposed to the Conference “ the principle of extending to strictly private property at sea the immunity from destruction or capture by belligerent Powers which such property already enjoys on land, as worthy of being incorporated into the permanent law of civilized nations,”* and the Committee to which the question was referred, reported in favour of a resolution “ expressing the hope that the whole subject would be included in the programme of a future Conference.” The British and French Plenipotentiaries declared that in the absence of any instructions from their governments they were obliged to abstain from voting. Thereupon the report of the Committee was adopted “ unanimously.”

It is consequently probable⁽²⁾ that the question will be mooted again on the present occasion. Without going into the pros and cons that have been urged in England, the British Representatives might begin by asking that similar undertakings should be entered into by the Military Powers for non-interference with the transport and enjoyment of private property on land, to a fully equal extent as is demanded in the case of private property on the high seas. The reasonableness of this is evident, since the argument is that private property on land being already immune, so ought to be private property on the high seas. If the principle is admitted to be applicable in both cases, then it ought to be applied in the same measure. Thus if a belligerent on land is entitled to convert temporarily to his own use lands, houses, railways, telegraphs, or to destroy buildings, bridges, cut railways and telegraphs, to requisition food and forage, fuel and other articles of necessity, and to appropriate arms and munitions, belonging to private persons, then similar and parallel privileges must be accorded to the belligerent by sea. If such privileges are not to be exercised on the high seas, they must equally be abandoned on land, in which case it evidently becomes almost impossible to wage war at all, and the cause of peace will be correspondingly strengthened.

The proposers of the new rule will of course make the two usual exceptions, namely (a) as regards contraband of war, (b) as regards private ships violating a blockade.

* Holls, “ The Peace Conference at the Hague,” p. 306.

(2) [Unsigned marginal comment: “ Certainly it is. It is one of the questions specifically mentioned in the programme.”]

As to (a) the first requisite is that a reasonable, and if possible uniform, definition of contraband of war shall be framed, accompanied by precise rules for ascertaining the contraband character of articles *ancipitis usus*.⁽³⁾ (And in any case there seems to be no reason why Great Britain should not enunciate a list of contraband from which food-stuffs and the raw materials of manufacturing industry would be excluded, and even go so far as to declare that she will not recognize such articles as contraband, either in a war in which she is taking part or when she occupies the position of a neutral.) Apart from considerations of advantage or disadvantage to ourselves, whether as neutrals or belligerents, it does not seem reasonable that because two Powers find it compatible with their interests to disturb the peace, they should be held to be endowed with an unrestricted right of making the world uninhabitable for the nations that are not engaged in war.

Secondly, it might perhaps be advisable for the protection of neutrals, to agree that either—

(A.) such goods should not be liable to confiscation and condemnation to the extent of inflicting loss on the owners, but that while it is permissible to seize such goods and the vessels on board which they are found, and to detain them as long as the captor shall consider it necessary for his own protection, he shall, in such case pay reasonable compensation; and such other detailed provisions might be added as are to be found in article 13 of the Treaty of 1785 between Prussia and the United States, or

(B.) that contraband of war should be abolished altogether, by which means the necessity of visiting neutral ships would be done away with. In this case, the original proposition being “to extend to strictly private property at sea the immunity from destruction and capture by belligerent Powers[’]” (inaccurately assumed to exist to the same extent in regard to private property on land), not only private ships and cargoes belonging to neutrals, but also those of one belligerent would not be subject to interference from the war-ships of the other belligerent.

And if the belligerent is not to be allowed to capture enemy ships and their cargoes on the high seas, will he be considered justified in seizing them if they enter his ports to discharge their cargoes? It has, in fact, been suggested that each belligerent should designate one or more of his ports at which trade might be carried on between the two countries, even by means of their own ships, just as in time of peace.

This looks like a *reductio ad absurdum* of the proposal that private property shall be immune on the high seas, for then the functions of war-ships would be almost confined to fighting those of the other belligerent, and their position would be reduced to one resembling that of selected champions of opposing armies, who contend in arms while the rest of the forces on both sides should remain mere spectators.

I suppose however that as regards blockaded ports the existing rule would be maintained, since apart from the interest the blockading force would have in preventing the introduction of supplies, a neutral merchant-vessel might carry valuable information as to the position and numbers of the blockading squadron, and *a fortiori* in the case of an enemy ship.

In connection with this subject it seems appropriate to recall the language of

⁽³⁾ [Marginal comments by Mr. F. A. Campbell and Mr. W. E. Davidson: “I w[oul]d far rather see all ancipitis usus articles declared free. F. A. C.”]

“But the difficulty of doing this is that you would eliminate ‘*destruction*’ as a criterion altogether, and destruction is clearly the most logical criterion of all as to the uses to which articles available for either peace or war, according to circ[umstance]s are likely to be put. W. E. D.”]

the late Henry Fawcett who wrote in 1863: "Of late years a feeling of false humanity has attempted to make the rights of private property respected in war. Life may be sacrificed with as much prodigality as ever."

E. S[ATOW].

13 May 1907.

No. 203.

Mr. Cartwright to Sir Edward Grey.

F.O. 372/66.

16505/268/07/329.

(No. 5.) Treaty.

Sir,

Munich, D. May 18, 1907.

R. May 21, 1907.

When Prince Bülow made his recent speech in the Reichstag on German foreign policy he was met with a chorus of applause throughout the country, especially at the declaration which he made that Germany would take no part in the discussion of the limitation of armaments question at The Hague. Now that the public have had time to recover from their first enthusiasm over this public declaration of Germany's independence from other Powers, signs are becoming evident that in some quarters misgivings are arising as to whether the Berlin Foreign Office have been wise in pursuing the course they have done, and suggestions are being made here and there in the press that it would perhaps have been better for the country if the Imperial Government had decided to face the discussion of all questions which might be raised at The Hague, and followed the example of Italy, who merely made some slight reservations with regard to them. By the attitude assumed by Germany, it is thought in some quarters here that she is again calling attention to her isolation, and everything which tends to accentuate this fact causes alarm to many people in this country. That the Imperial Government are aware that sentiments of this kind are beginning to be shown is proved by their desire to stem the growing current in public opinion by communiqués to the press, such as the one which appeared in the Cologne Gazette—reproduced in the "Times" of the 16th instant—and by another one, for the guidance of the south German press, which is published in this morning's "Süddeutsche Reichskorrespondenz." . . . (1)

I have, &c.

FAIRFAX L. CARTWRIGHT.

(1) [The remainder of this despatch deals with the *communiqué* in the *Süddeutsche Reichskorrespondenz*, which was a lengthy defence of the German Government's attitude.]

No. 204.

Sir Edward Grey to Sir E. Egerton.

F.O. 372/67.

17518/268/07/329.

(No. 14.) Treaty.

Sir,

Foreign Office, May 28, 1907.

The Italian Ambassador asked me to-day whether I had any information about the Hague Conference.

I told him that I had explained to Herr von Stumm, after Prince Bülow's speech, what our proposal with regard to Armaments would have been.(1)

(1) [*v. infra*, p. 237, No. 201.]

The Ambassador said that such a plan might be quite desirable. The only difficulty he saw was that Governments sometimes did not know what their own naval programme was before the meeting of Parliament took place and they had to disclose it.

He asked me whether we should now make this proposal. I said I was very doubtful, in the absence of any intimation from the German Government that they would be prepared to discuss it at all, whether we should put forward anything ourselves. Nothing effective could be done without Germany. But the United States had, on their own initiative, expressed a desire to discuss the question of Armaments, and I must first know what their intentions were before I could say what the course of events would be.

[I am, &c.]
E. G[REY].

No. 205.

Sir F. Bertie to Sir Edward Grey.

F.O. 372/67.
19048/268/07/329.
(No. 47.) Treaty.
Sir,

Paris, D. June 8, 1907.
R. June 10, 1907.

In reply to an interpellation by Monsieur Pressensé, Unified Socialist Deputy, who was at one time Foreign Editor of the "Temps," M. Pichon made an important declaration in the Chamber of Deputies yesterday in regard to the instructions to be given to the French Delegates at the Second Peace Conference.

M. Pichon began by stating that the proposal for the reduction or limitation of armaments was due to the initiative of the United States, not of Great Britain. Great Britain had reserved to herself the right of raising the question and the Spanish Government had shown her willingness to treat it. The Government of the Republic was, as it always had been, ready to examine the question; what was wanted was a concrete formula to satisfy all the Governments. Germany and Austria had refused to take part in the discussion. Russia and Italy had made their participation conditional, but France remained in face of these divisions "faithful to the rôle of conciliation and moderation that her Delegates had played in 1899."

"We will discuss," he continued, the proposal if it is formulated "and will bring to bear on its examination the same generous ideas as before, without losing sight of the vital interests of our strength and preservation. Should unanimity between the Governments prove impossible and no formula be found, we will discuss the question in accord with the United States, England, Spain, Italy and Japan and wil[1] do our utmost to discover a procedure which will direct international diplomacy towards a practical solution of this grave and disquieting problem."

The task of the French Representatives, he added, had been carefully thought out by a special Committee and the Delegates would go to the Conference ready to give a deliberate opinion on any question that might be raised; they would not merely follow the discussions and agree with the doctrines propounded but would take the initiative in accordance with the generous sentiments that had always animated Republican France.

"Les propositions que nos délégués apporteront⁽¹⁾ tendront à substituer le droit à la force, la paix à la guerre, l'esprit de liberté à l'esprit de conquête et de destruction."⁽²⁾

I have, &c.
(for the Ambassador)
REGINALD LISTER.

⁽¹⁾ [Thus in original.]

⁽²⁾ [The remaining paragraphs summarise further the debate in the Chamber of Deputies.]

III.—INSTRUCTIONS TO BRITISH PLENIPOTENTIARIES.

No. 206.

Sir Edward Grey to Sir E. Fry.⁽¹⁾

F.O. 372/67.

19160/268/07/329.

(No. 1.) Treaty.

Sir,

Foreign Office, June 12, 1907.

1. In my despatch of the 19th April last⁽²⁾ I informed you that the King had been graciously pleased to appoint you to be His Majesty's First Plenipotentiary to represent this country at the Second Peace Conference, which will assemble at The Hague on the 15th instant, in conjunction with the Right Honourable Sir Ernest Mason Satow, G.C.M.G., the Right Honourable Lord Reay, G.C.S.I., G.C.I.E., and Sir Henry Howard, K.C.M.G., C.B., His Majesty's Minister at The Hague. Lieut.-General Sir Edmond Roche Elles, G.C.I.E., K.C.B., and Captain Charles Langdale Ottley, M.V.O., R.N., Director of Naval Intelligence, have been appointed as Expert Delegates to assist you and your colleagues in the discussion of the military and naval questions which will come before the Conference.

2. You are aware from the correspondence that has been furnished to you from time to time that the proposal for this Conference, like that which was held at The Hague in 1899, emanated from His Majesty the Emperor of Russia, who in the spring of last year addressed an invitation to His Majesty's Government to be represented at it. A similar invitation was at the same time sent to some forty-seven other States. The note conveying this invitation⁽³⁾ also indicated certain topics which it was thought might usefully be discussed at the Conference and which may be summarized as follows:—

- (I.) Improvements to be made in the provisions of the Convention respecting the pacific settlement of international disputes regarding both the Court of Arbitration and the International Commissions of Inquiry.
- (II.) Additions to be made to the provisions of the Convention of 1899 respecting the Laws and Practices of Land Warfare, among others the opening of hostilities, the rights of neutrals on land, &c., consideration of the Declarations of 1899 and the question of the renewal of the one that has lapsed.
- (III.) Elaboration of a Convention respecting the Laws and practices of Naval Warfare concerning—
 - (A.) The special operations of naval warfare, such as the bombardment of ports, towns, and villages by a naval force, the laying of mines, &c.
 - (B.) The transformation of commercial vessels into war-ships.
 - (C.) The private property of belligerents at sea.
 - (D.) The period to be accorded to commercial vessels in leaving neutral ports or those of the enemy after the outbreak of hostilities.
 - (E.) The rights and duties of neutrals at sea, among other questions that of contraband, the treatment to which the ships of belligerents should be subjected in neutral ports, destruction by *force majeure* of neutral ships of commerce, as prizes.

(1) [These instructions, already printed in *A. & P.* (1908), CXXIV, (*Cd.* 3857), pp. 595-602, are here reproduced for convenience of reference. They were based on the reports of two Interdepartmental Committees (F.O. 372/65) and subsequent decisions of the Cabinet. The version above is from the final draft in F.O. 372/67 which bears corrections in Sir Edward Grey's own hand.]

(2) [Not reproduced as its tenour is indicated above.]

(3) [*v. supra*, p. 188, *Ed. note. cp. supra*, pp. 221-2, No. 193.]

(F.) Arrangements relative to land warfare which should be made equally applicable to naval warfare.

(IV.) Additions to be made to the Convention of 1899 for the adaptation to naval warfare of the principles of the Geneva Convention of 1864.

3. In accepting this invitation, His Majesty's Government expressed the opinion that the subjects above indicated might, as a whole, be freely discussed with advantage, but they thought it desirable to reserve generally the right to abstain from taking part in the discussion at the Conference of any of the questions mentioned in the programme, should the discussion take a form unlikely, in their opinion, to lead to any useful result. Several other Powers have, as you are aware, made a similar reservation.

4. His Majesty's Government further reserved to themselves the right of suggesting the discussion of other cognate questions of international interest not specifically mentioned in the programme. Foremost among such questions is that of expenditure on armaments, which His Majesty's Government have from the first been desirous of seeing discussed at the Conference. They felt it was better to have a discussion, even if it did not lead to a satisfactory conclusion. Discussion without result would, at any rate, have kept the door open for continuing negotiations on the subject. Whereas, to put the question aside would seem like an admission that it was hopeless, and had receded since the first Conference, of which it was the prime object. They felt that, this being a question on which perhaps there must be many discussions, and even failures, before progress is made, even a failure to secure a definite result was better than no discussion at all.

5. His Majesty's Government have accordingly reserved their right to bring this question forward at the Conference, and have told the United States' Government, who have made a similar reservation, that they would support them in promoting a discussion. If, therefore, the United States' Delegates bring the subject forward, it will be your duty to support them. But, after the apparently final declaration of the German Government, that under no circumstances would they take any part in such a discussion, it is doubtful how far it would be expedient to proceed with it. The position of Germany both as a military and a naval Power is such that it is difficult to regard as serious any discussion in which she does not take part. His Majesty's Government would be most reluctant that anything should take place at The Hague Conference, summoned, as it is, in the interests of peace, that would be of a nature to cause friction or ill-feeling. You will therefore consult closely with your United States' colleagues, and ascertain what instructions they have, and consider with them what line it is best to take.

6. The Spanish Government have also made a similar reservation on this question, and their Delegates should also be consulted; and it is possible that the Italian Delegates may also have some instructions as to the procedure to be adopted.

7. Should it be decided that the subject shall be discussed and a practical proposal be invited, you are authorized to say that His Majesty's Government would agree to a proposal that the Great Powers should communicate to each other in advance their programmes of new naval construction. If this were done, they might be led to realize how closely in some cases the naval construction of one Power is dependent upon that of another; and an opportunity would be given for negotiations with the object of reducing the programmes, before the Governments of the Great Powers were finally committed to them by announcing them to their respective Parliaments. His Majesty's Government are aware that this would not necessarily lead directly to any reduction in expenditure, but they are hopeful that the mere fact of communication between the Powers would provide opportunities for negotiation that do not now exist, and would tend to alleviate the burden of expenditure or retard its increase. Though, however, they consider that this or some other proposal put forward by another Power would be useful for the sake of the discussion to which

it would give rise, even if it were not eventually accepted you should not put forward any proposal unless there be a general decision and a strong desire that a discussion should take place, and unless it is made clear that such a course will be taken in good part.

8. I now pass to the consideration of the various heads of the programme in the order in which they are set out in the invitation :—

I. *Improvements to be made in the Provisions of the Convention of 1899 respecting the Pacific Settlement of International Disputes.*⁽⁴⁾

9. I am not aware of any proposals that will be made by other Powers for amending the provisions of this Convention, but I believe that Professor de Martens will, with the concurrence of the Government of the Czar, suggest certain amendments for increasing the utility of the “*Commission d’Enquête*” provided for in Articles IX–XIV of the Convention. The nature of the proposal is not at present known, but as at present advised, I see no reason for thinking it likely that His Majesty’s Government will be unable to agree to them, if you and your colleagues report that you consider that they may be introduced into the Convention with advantage.

10. His Majesty’s Government, however, are anxious to secure the adaptation of the machinery of the existing Tribunal, which was created by the Convention, to the purposes of an International Tribunal of Appeal from the decisions of belligerent Prize Courts affecting neutrals. The judgments of the Tribunal in such cases would probably prove the most rapid and efficient means which can, under existing conditions, be devised for giving form and authority to the canons of international law in matters of prize. It would no doubt be necessary that the procedure of the Court should be formulated, and its powers precisely defined, and that the Powers should bind themselves to employ the executive of their Governments to enforce its decrees against their own subjects or citizens. The advantages would far outweigh any difficulty that might arise from the fact that some alterations in the municipal laws of this country, and probably also of other States, would be required. His Majesty’s Government consider that if The Hague Conference accomplishes no other object than the constitution of such a Tribunal, it will render an inestimable service to civilization and mankind.

11. It is not improbable that the question of the choice of languages to be used by and before the Permanent Court of Arbitration may be raised under the present head. By Articles XXX and XXXVIII of the Convention it is for the Tribunal itself to decide this point, unless the parties have themselves settled the language question in advance. His Majesty’s Government are aware that in some cases which have come before the Court this rule has been found to involve practical difficulties, but, after careful consideration, they have come to the conclusion that the existing arrangement is the best that can hope to meet with general consent. You should accordingly not support any suggestion which may be made at the Conference for altering the rules as to the choice of languages.

II. *Additions to be made to the Provisions of the Convention of 1899, respecting the Laws and Practices of Land Warfare, &c.*

12. The Russian Government have mentioned the opening of hostilities and the rights of neutrals on land as matters which might be treated in additional stipulations. But beyond this indication, no intimation has reached His Majesty’s Government as to the precise measures or principles which are to be brought forward for adoption. As at present advised they are not aware that the necessity or advisability of any such additions to the Convention has made itself felt in this country, and they have had no material before them enabling them to foreshadow the direction which a

⁽⁴⁾ [The Convention is printed in *A. & P.*, (1899), CX, (*Cd.* 9534), pp. 376–451.]

discussion on the points briefly mentioned in the Russian programme might take at the Conference. They therefore feel unable to lay down any specific directions for your guidance in the matter, and can only at this stage express their readiness to give any definite proposals which may eventually be made the earnest and impartial consideration which the important nature of the subject deserves.

13. The declarations referred to in the Russian note were the agreements to abstain from (1) the use of projectiles diffusing noxious gases; (2) the use of expanding bullets; and (3) the use of projectiles and explosives from balloons for a term of five years, that were signed by a majority of the Powers at the last Hague Conference, Great Britain, Germany, the United States, &c., dissenting. Should these questions be raised at the Conference, His Majesty's Government think, as regards (1), that it is unnecessary for you to take the initiative in proposing such a prohibition, although you should not dissent from it if there should be a general consensus of the other Powers in its favour; with respect to (2), that the restriction may be supported so far as warfare between the High Contracting Powers is concerned; and with regard to (3), you should support any proposal for the renewal of this prohibition.

III. *Elaboration of a Convention respecting the Laws and Practices of Naval Warfare concerning—*

(A.) *The Special Operations of Naval Warfare, such as the Bombardment of Ports, Towns and Villages, by a Naval Force, the laying of Mines, &c.*

14. His Majesty's Government consider that the objection, on humanitarian grounds, to the bombardment of unfortified towns is too strong to justify a resort to that measure, even though it may be permissible under the abstract doctrines of international law. They wish it, however, to be clearly understood that any general prohibition of such practice must not be held to apply to such operations as the bombardment of towns or places used as bases or storehouses of naval or military equipment and supply, or ports containing fighting ships, and that the landing of troops, or anything partaking of the character of a naval or military operation, is also not covered.

15. His Majesty's Government would view with satisfaction the abandonment of the employment of automatic mines in naval warfare altogether. Failing the acceptance of such a total prohibition they earnestly hope that the employment of these engines of war will only be sanctioned under the strictest limitations. They would advocate an arrangement by which the use of automatic mines should be limited to territorial waters, and, if possible, to such portions of territorial waters as adjoin naval bases or fortified ports. All mines thus employed should be effectively anchored, and so constructed that, in the event of their breaking adrift, they would either automatically become harmless or sink, and that in any case their active life should not exceed a limited period of, say, six months.

(B.) *The Transformation of Commercial Vessels into War-Ships.*

16. As the best and surest means to meet the many difficulties arising in connection with the question of the status, or belligerent character, of ships engaged in naval operations, His Majesty's Government would like to see the Powers agree upon some precise definition of a "war-ship." Having given their attentive consideration to the problem in its many various aspects, they are of opinion that if such definition is to cover all vessels which may be directly associated with the warlike operations of a fleet, it should establish and comprise two categories of ships, viz.: (A) fighting

ships, and (B) fleet auxiliaries. For these two classes of vessels, you might propose for acceptance some such definition as the following :—

- (A) “ Any vessel under a recognized naval flag, officered and manned by regular commission, and armed for the purpose of attacking an enemy, no vessel being allowed to assume this status unless before leaving a national port, or to surrender it except after arrival at one.”
- (B) “ A vessel under the mercantile flag of either a belligerent or neutral State which is engaged in transporting troops or on duties bringing her into direct communication with the belligerent fighting ships for the purpose of assisting their operations, either by the conveyance of seamen, munitions of war, fuel, provisions, water, or any kind of naval stores, or by executing repairs, or by carrying despatches or information, and whether such ship sails in company with the fighting ships or only meets them from time to time.”

17. The general acceptance of definition (A), as supplemented by definition (B), coupled with a general undertaking that no vessel was to perform fighting services unless qualified under definition (A), would, it is believed, prove sufficient to prevent the issue by any Power of letters of marque (whether such Power were a party to the Declaration of Paris or not), as none but regularly commissioned men-of-war would have the status of “ fighting ships.” You might with advantage ascertain the views of your United States’ colleagues on this subject, to which particular importance is likely to be attached by their Government, special regard being had to the fact that, although conditionally refusing to sign the Declaration of Paris, the United States intimated their intention of observing it during the war with Spain in 1898.

(C.) *The Private Property of Belligerents at Sea.*

18. It is probable that a proposal will be brought before The Hague Conference to sanction the principle of the immunity of enemies’ merchant ships and private property from capture at sea in time of war. His Majesty’s Government have given careful consideration to this question, and the arguments on both sides have been fully set out in the various papers which have been at your disposal. They cannot disregard the weighty arguments which have been put forward in favour of immunity. Any thing which restrains acts of war is in itself a step towards the abolition of all war, and by diminishing the apprehension of the evils which war would cause, removes one incentive to expenditure upon armaments. It is also possible to imagine cases in which the interests of Great Britain might benefit by the adoption of this principle of immunity from capture.

19. But, on the other hand, it must be remembered that the principle, if carried to its logical conclusion, must entail the abolition of the right of commercial blockade. Unless commercial blockade is discontinued there will be constant interference with an enemy’s ships, and constant disputes as to what constitutes an effective blockade. And when such disputes have once arisen between belligerent Powers it is obvious that the one which considers itself aggrieved by the application of commercial blockade to any of its ports would cease to respect the immunity of the merchant ships and private property of its enemy, wherever they were to be found. It seems to them, therefore, that it is impossible to separate this question of immunity from capture from that of commercial blockade; and that the question to which His Majesty’s Government have to apply themselves is whether they should agree to a proposal which would deprive the British navy in time of war of the right of interfering with an enemy’s merchant ships or property, and of the power of commercial blockade.

20. The British navy is the only offensive weapon which Great Britain has against Continental Powers. The latter have a double means of offence: they have

their navies and they have their powerful armies. During recent years, the proportion between the British army and the great Continental armies has come to be such that the British army cannot be regarded as a means of offence against the mainland of a great Continental Power. For her ability to bring pressure to bear upon her enemies in war Great Britain has, therefore, to rely on the navy alone. His Majesty's Government cannot therefore authorize you to agree to any Resolution which would diminish the effective means which the navy has of bringing pressure to bear upon an enemy.

21. You should, however, raise no objection to the discussion of this question of immunity from capture at the Conference, nor should you refuse to participate in it, nor need you necessarily take the initiative in opposing a Resolution if brought forward. If at some future date the great continental armies were to be diminished, and other changes favourable to the diminution of armaments were to take place, the British Government might be able to reconsider the question. If, for instance, nations generally were willing to diminish their armaments, naval and military, to an extent which would materially relieve them from the apprehension of the consequences of war, and by rendering aggression difficult would make war itself improbable; and if it became apparent that such a change could be brought about by an agreement to secure this immunity from capture at sea under all circumstances, and was dependent upon it, the British Government might feel that the risks they would run by adhering to such an agreement and the objections in principle now to be urged against it, would be outweighed by the general gain and relief which such a change would bring. But at the present time they are unable to assent to a Resolution which might, under existing conditions, so limit the prospective liability of war as to remove some of the considerations which now restrain public opinion from contemplating it, and might, after the outbreak of war, tend to prolong it.

(D.) *The Period to be accorded to Commercial Vessels in leaving Neutral Ports or those of the Enemy after the Outbreak of Hostilities.*

22. It has been customary on the outbreak of hostilities for belligerents to grant certain days of grace to enemy and neutral ships. In the view of His Majesty's Government the allowance of such an interval before the strict rules of hostilities are enforced should, as indeed the term "days of grace" implies, be treated purely as a matter of grace and favour, and not as one of right, and they are of opinion that any fixed rule on the point would be undesirable, as the circumstances of each case must necessarily differ. It would be to the general interest of this country to maintain the utmost liberty of action in this particular.

(E.) *The Rights and Duties of Neutrals at Sea: among other Questions that of Contraband; the Treatment to which the Ships of Belligerents should be subjected in Neutral Ports; Destruction by force majeure of Neutral Ships of Commerce as Prizes.*

23. Many questions in regard to neutrality obligations may be raised at the coming Conference as a result of the experience of the late war between Russia and Japan. On the general principles involved nations are agreed, but in the application of these principles great divergence in the standard of obligations adopted by different Powers is sure to arise. Rules based on the following principles would, His Majesty's Government consider, help to clear the situation:—

- (a.) Neutrals shall not allow their territorial waters to be used for purposes which will directly assist a belligerent in operations of war.
- (b.) Neutrals shall not allow fighting ships, or ships built or equipped, wholly or partly, for fighting purposes to leave their ports or territorial waters after the outbreak of war with the intention of assisting either of the belligerents.

- (c.) The customary maritime facilities known as "hospitality" shall not be withheld.
- (d.) A neutral State is not called upon to enforce the observance of the restrictions imposed upon trade by a belligerent by declarations of contraband, but must not assist in their violation.
- (e.) A neutral shall not allow the entrance of prizes into its harbours unless the prize is in want of fuel or supplies, or in actual danger on account of bad weather or unseaworthiness.

24. Great Britain as a belligerent is not likely, in any conditions which can at present be foreseen as probable, to have to depend on the assistance of neutrals in the direct carrying out of operations of war. Her interests as a neutral require uniformity of practice on the part of neutrals generally, and it would be desirable that the rules which obtain in this country as regards the obligations of neutrality should, if possible, obtain international sanction at the Conference.

25. With regard to contraband, many most difficult questions arose during the late war. These cases were sufficient to show that the rules with regard to contraband that were developed at the end of the eighteenth and the beginning of the nineteenth centuries are no longer satisfactory for the changed conditions under which both commerce and war are now carried on. His Majesty's Government recognize to the full the desirability of freeing neutral commerce to the utmost extent possible from interference by belligerent Powers, and they are ready and willing for their part, in lieu of endeavouring to frame new and more satisfactory rules for the prevention of contraband trade in the future, to abandon the principle of contraband of war altogether, thus allowing the oversea trade in neutral vessels between belligerents on the one hand and neutrals on the other, to continue during war without any restriction, subject only to its exclusion by blockade from an enemy's port. They are convinced that not only the interest of Great Britain, but the common interest of all nations will be found, on an unbiased examination of the subject, to be served by the adoption of the course suggested.

26. In the event of the proposal not being favourably received, an endeavour should be made to frame a list of the articles that are to be regarded as contraband. Your efforts should then be directed to restricting that definition within the narrowest possible limits and upon lines which have the point of practical extinction as their ultimate aim.

27. If a definite list of contraband cannot be secured, you should support and, if necessary, propose regulations intended to insure that nations shall publish during peace the lists of articles they will regard as contraband during war, and that no change shall be made in the list on the outbreak of or during hostilities.

28. A list might be prepared and submitted for adoption by the Conference, specifying the articles which in no event shall fall within the enumeration of contraband, *e.g.*, mails, food-stuffs destined for places other than beleaguered fortresses, and any raw materials required for the purposes of peaceful industry. It is essential to the interest of Great Britain that every effective measure necessary to protect the importation of food supplies and raw materials for peaceful industries should be accompanied by all the sanctions which the law of nations can supply.

29. His Majesty's Government would further be glad to see the right of search limited in every practicable way, *e.g.*, by the adoption of a system of Consular certificates declaring the absence of contraband from the cargo, and by the exemption of passenger and mail steamers upon defined routes, &c.

30. If an arrangement can be made for the abolition of contraband His Majesty's Government would be willing, for their part, that it should also extend to what are technically known as the "analogues of contraband," *viz.*, the carriage of belligerent despatches and of persons in the naval and military services of a belligerent in cases where the rendering of such services by the neutral was not of such a kind or so great in extent as to identify the neutral vessel with the belligerent forces, and bring her

within the definition of war-ship which His Majesty's Government are anxious to secure.

31. The object which His Majesty's Government have in view, as you are aware, is to limit, so far as may be, the restrictions that war entails upon legitimate neutral trade, and they feel that the extent to which this is possible in connection with the "analogues of contraband" is a matter that must be worked out in detail at the Conference.

32. Upon one point, however, they do desire to lay particular stress. The question of the carriage of enemy despatches cannot be entirely separated from that of mails in general, and they would welcome, and wish you to do all you can to secure, an arrangement under which mail packets or bags in transit on board a neutral ship, in accordance with the provisions of the Postal Conventions, should be inviolable, even though such mails should contain despatches for a belligerent, and the neutral vessel carrying such mails should not be subjected to any interference for so doing except in the case of her endeavouring to violate a blockade.

33. The subject of the treatment of interned belligerent vessels appears to be included in the Russian programme under the heading, "Régime auquel seraient soumis les bâtiments des belligérants dans les ports neutres." His Majesty's Government hold that while the war-ship of a belligerent taking refuge in a neutral port must, failing her departure within twenty-four hours, be interned, the question of her ultimate disposal is one which it would be best to leave to be dealt with under the terms of the Treaty of Peace. You will no doubt remember that one of the conditions of peace put forward by the Japanese Plenipotentiaries at the negotiations at Portsmouth, U.S.A., but afterwards abandoned, was the surrender to Japan of the Russian war-ships which had taken refuge at Kiao-chau, Shanghae, and Saigon, and which had there been interned.

34. As regards the sinking of neutral prizes, which gave rise to so much feeling in this country during the Russo-Japanese war, Great Britain has always maintained that the right to destroy is confined to enemy vessels only, and this view is favoured by other Powers. Concerning the right to destroy captured neutral vessels, the view hitherto taken by the greater Naval Powers has been that, in the event of it being impossible to bring in a vessel for adjudication, she must be released. You should urge the maintenance of the doctrine upon this subject which British Prize courts have, for at least 200 years, held to be the law.

IV. *Additions to be made to the Convention of 1899 for the Adaptation to Naval Warfare of the Principles of the Geneva Convention of 1864.*

35. A Convention of fourteen articles, applying the principles of the Geneva Convention of 1864 to maritime warfare, was signed by the Powers represented at The Hague Conference of 1899, Article X (respecting the landing of the shipwrecked, wounded, or sick of a belligerent Power at a neutral port) being excluded at the time of ratification both by this country and the other Signatory Powers. The Russian programme contemplates supplementary provisions to the Convention, which are to deal only with the treatment of shipwrecked, wounded, or sick men, and with vessels employed for these purposes, and His Majesty's Government see no reason why they should withhold their consent to such provisions, if proposed at the Conference, provided that misuse of the privileges involved can be prevented.

36. In addition to the subjects mentioned in the Russian programme. His Majesty's Government believe that a discussion will be initiated by the Government of the United States on the question of the employment of armed force for the collection of ordinary contract debts due to the subjects or citizens of a Power by other Governments. This practice is viewed with great disfavour on the American Continent, and the objections to it have become embodied in a principle known as the "Drago Doctrine."⁽⁵⁾ His Majesty's Government consider that you may express

⁽⁵⁾ [v. *supra*, p. 209, No. 178, note (1).]

a general adherence to the "Drago Doctrine," subject to the limitations mentioned in section 4 of the "Instructions to the United States' Delegates to the Third International Conference of American States," a copy of which was communicated to my predecessor by the American Ambassador on the 7th November, 1906. That is to say that, as a general principle, the debts of a State to the private subjects of another State are not to be collected by the employment of coercive measures in the nature of war, although occasions may, and do, occur when the non-payment of public debts is accompanied by such circumstances of fraud and injustice or violation of Treaty obligations as to justify the resort to force as a means of compelling payment. Each case, as it rises, must be considered on its merits, and the Government of the injured individual must decide in each case whether the general rule has or has not been overstepped to a degree sufficient to justify or demand interference.

37. Another matter which may be raised at the Conference is the extension of the 3-mile limit as the normal boundary of territorial waters. His Majesty's Government are opposed to the extension of the 3-mile limit. It is now accepted by practically every country, and to enlarge such limit on account of the longer range of modern artillery or other cause would introduce uncertainty into what is now defined and settled, and would only increase the area over which the preservation of neutrality is obligatory upon a neutral Power, thus tending to diminish the sphere of action of the strongest navy, and to add to the difficulties of the weaker Powers.

38. The foregoing observations and directions will place you in possession generally of the views of His Majesty's Government on the various points set out in the Russian programme. More precise instructions will, if necessary, be furnished to you from time to time as occasion may require.

39. I enclose a Full Power under the Royal sign manual, which will enable you and your co-Plenipotentiaries to sign with or without reservations, and subject to ultimate ratification by the King, any Convention which may result as the outcome of your labours. and I request you to keep me fully and constantly informed of the proceedings of the Conference, which His Majesty's Government will watch with the greatest interest.

[I am, &c.]
E. G[REY].

No. 207.

Sir Edward Grey to Sir E. Fry.

Private.⁽¹⁾
Confidential.

Dear Sir Edward Fry,

June 12, 1907.

You have now received the official instructions respecting the Hague Conference, and I have only one or two observations to make which are more suitable for an informal letter, for the information of yourself and your Colleagues.

I hope that you will find it easy to maintain good relations with the Delegates of all other Powers. But especially I hope that you will keep in close touch with those of the United States, of Japan, and of France, whose Governments have all expressed a wish to co-operate with us as much as possible. The Representatives of Spain and Portugal here have also informed me that they wish their Delegates to act with us. I hope, therefore, that you will take what steps are desirable from time to time to keep in touch with them.

On some questions, especially that of the Abolition of Contraband, it may be desirable to leave the initiative to some other Power. A novel proposal of a far-reaching character coming from ourselves, may arouse more suspicion in the minds of one of our European neighbours than if it was proposed by some other Power who could not be regarded as a rival.

⁽¹⁾ [Grey MSS., Vol. 30.]

I would only suggest that you should use your discretion in such matters of procedure, which must be determined by what you ascertain of the disposition of other Delegates.

There appears still to be some apprehension of friction with regard to a discussion on the subject of Expenditure on Armaments. I hear confidentially that, in order to avoid friction, the Russian Delegate may propose to re-affirm the Resolution of the last Conference on this subject, and so dispose of it. I also hear that the United States Delegates are not instructed to make any proposal of their own.

If it appears that some proposal such as that indicated by Russia offers the only chance of agreement, it might be well to accept it. But in that case, I think such a proposal should be made at the Conference by the United States Delegates, as the Representatives of a Power which took an initiative in reserving the right to bring the subject forward. It will be well for you to consult with the United States Delegates as to conferring with your German Colleagues, in order to ascertain what course would be agreeable to them.

Yours sincerely,
E. GREY.

IV.—THE PROGRESS OF THE CONFERENCE.

[*ED. NOTE.*—The delegates arrived at the Hague on June 14, and the Conference opened on the 15th. Some valuable material on the course of the Conference is given in A. Fry: *A Memoir of Sir Edward Fry, 1827-1918* (1921).]

No. 208.

The Marquis de Villalobar to Sir Edward Grey.

F.O. 372/68.

21294/268/07/329.

Señor Ministro,

Spanish Embassy, London, D. June 26, 1907.

R. June 27, 1907.

Tengo la honra de poner en conocimiento de Vuestra Excelencia que el Gobierno del Rey Mi Augusto Soberano me encarga manifieste á Vuestra Excelencia el sumo agrado con que veria que los delegados españoles en la Conferencia de la paz que actualmente se está celebrando en El Haya pudieran marchar en estrecha inteligencia con los de Inglaterra, especialmente en las cuestiones de Caracter juridico de muchos de las temas que en esta Conferencia han de discutirse y que permitiran á cada país exponer su pensamiento en aquella reunion internacional sin que la actitud que adopte se atribuya á otros motivos y en especial al caracter de las relaciones que entre unos y otros Gobiernos puedan mediar.

Con este fin reciben al efecto instrucciones los delegados del Gobierno de Su Majestad Católica y este agradecerá que á su vez el de Su Majestad Britanica [*sic*] se las comuniqué á los suyos para que así puedan entenderse mejor con los españoles.

Aprovecho esta ocasion para reiterar á Vuestra Excelencia las seguridades de la alta consideracion.

Con que soy, Señor Ministro De Vuestra Excelencia atento seguro servidor.

VILLALOBAR.

No. 209.

Sir E. Fry to Sir Edward Grey.

F.O. 376/68.

21549/268/07/329.

(No. 25.)

Sir,

The Hague, D. June 28, 1907.

R. July 1, 1907.

As you are already aware, the discussion of the question of arbitration has been allotted to the first Sub-committee of the first Committee of the Peace Conference.

In the course of our negotiations with the representatives of other Powers outside the Conference, a suggestion has been made to us from more than one quarter that Great Britain should put forward a proposal for a limited form of compulsory arbitration following the lines of the Treaties which have already been concluded between Great Britain and France, Germany, Switzerland, Portugal, Austria-Hungary, Italy, Spain, Denmark, Sweden, Norway and the Netherlands. The duration of all these Conventions is fixed for a period of five years.

2. We have taken this suggestion into our careful consideration, and we are of opinion that the proposal to embody a similar stipulation in a separate Convention without limit of time but with a power of denunciation would be popular with many countries, and would be a step forward in the course which Great Britain has already taken in this direction.

3. The sub-committee on arbitration has, as you are aware, already begun its labours, and there is some reason to believe that the delegates of the United States of America intend to put forward a proposition of this nature. So far as we are able to judge, the proposal, if made formally by the representatives of Great Britain and those of the United States, would receive the support of the whole Conference.

4. You will be more able to judge how far the proposal by Great Britain of such a measure would be acceptable to the British people and how far the impression would be produced that an important step in advance in the cause of peace had been taken; and, in the name of the British delegation, I have the honour to request that the matter may be duly considered by His Majesty's Government, and that we may be furnished with your instructions at your earliest convenience.

I have, &c.

EDW. FRY.

No. 210.

Sir Edward Grey to Sir E. Fry.

F.O. 372/67.

20107/268/07/329.

(No. 11.) Confidential.

Sir,

Foreign Office, July 4, 1907.

I have received Your Excellency's despatch No. 5 of the 17th ultimo,⁽¹⁾ on the subject of a proposal which it is likely will be made by the Italian Delegates to the Second Peace Conference when the question of the exemption of private property from capture at sea comes up for discussion, and, on the 29th ultimo,⁽²⁾ I informed you by telegraph that His Majesty's Government agreed in the views expressed by you and by your colleagues in that despatch. It seems, however, desirable that Your Excellency should be placed in the possession of more detailed information as to the views of His Majesty's Government with regard to the proposal.

His Majesty's Government are in some doubt as to the precise meaning to be attached to the Italian suggestion. Taken literally it would forbid a belligerent from destroying not only a neutral, but also an *enemy* merchant vessel even if it were found impossible to take her into port. If this be so, then the right of capture would be practically abolished except in the case of those Powers who would be enabled to exercise it in the vicinity of some port of their own, or whose command of the sea was such as to enable them to convoy their prizes in safety for a considerable distance. His Majesty's Government however assume that the Italian proposal does not contemplate interference with any right which may at present exist

(1) [Not reproduced. The Italian proposal was thus described :—“ The right to capture enemy merchant ships is to be maintained, but the property in the ships or cargoes captured is no longer to be forfeited to the captor, who shall be bound to intern the ships and to sell the cargoes, retaining ships and proceeds of sale until the end of the war.” Restitution was then to be made, with deductions for cost of maintenance, etc. F.O. 372/67. 20107/268/07/329.]

(2) [Not reproduced as contents are sufficiently indicated above.]

of destroying *enemy* merchant ships if they cannot be safely taken into port for adjudication.

It must be admitted that if the right of a belligerent be limited to interning the prize instead of confiscating it the loss of private individuals will be diminished. As Great Britain is by far the greatest shipping nation of the world She would necessarily gain more by this than any other nation. The depreciation of the vessel however, when lying uncared for in a port of detention would be so great and the loss upon forced sale of the cargo would be so heavy, (if indeed the sale were at all possible), as to discount very largely the advantage arising from the Italian proposal. On the other hand it must also be admitted that the Italian proposal would, to some extent, cripple the power of Great Britain to put pressure upon her enemy by stopping his maritime commerce.

As regards the Italian proposals as they affect the real interests of Great Britain, His Majesty's Government would offer the following observations:—

1. The Italian Proposal will not enable British merchant ships to trade in security during war, and therefore will not prevent merchants, whether British or foreign, from preferring neutral ships if unhappily this country were at war. Accordingly Great Britain would still lose freights for her own merchant navy, for no shipper will consign his goods to a vessel liable to be interned for an indefinite time, any more than he will consign them to a vessel liable to confiscation, if he can get another vessel, his loss being about equal in either case.
2. The Italian Proposal will not secure to Great Britain a supply of food-stuffs during war, because such food-stuffs will be equally prevented from reaching this country whether the vessel containing it be confiscated or merely interned.
3. The Italian Proposal will not make the relations between Great Britain and her Colonies much more easy in the event of war. It is possible, and His Majesty's Government earnestly hope, that in such a case the Colonies would endure their losses with complacency as losses suffered in the common interest. But, if, as they fear, great irritation would be caused by the capture of Colonial merchant ships, in a quarrel in which perhaps they had no direct interest, then His Majesty's Government believe the irritation would be very much the same whether the capture were followed by confiscation or merely by internment.

It appears that, even from the point of view of those who desire the immunity of enemy's private ships and property from capture at sea, the Italian proposal would be at best a makeshift, and not in substance a remedy; and H[is] M[ajesty's] G[overnment] do not see in it any reason for modifying the instructions on this subject which have already been sent to you.

[I am, &c.
E. GREY.]

No. 211.

Sir E. Fry to Sir Edward Grey.

F.O. 372/68.

22201/268/07/329.

(No. 35.)

Sir,

Hôtel des Indes, The Hague, D. July 4, 1907.

R. July 5, 1907.

Mr. Choate, the First United States' Delegate, spoke to me to-day about the proposed conclusion of a general international convention for obligatory arbitration in certain cases, which formed the subject of my despatch No. 25 of the 28th ultimo.⁽¹⁾ He is instructed by his Government to press this matter very earnestly and to use

⁽¹⁾ [v. *supra*, pp. 251-2, No. 209.]

every effort to secure the signature of such a Convention. It would seem but natural in these circumstances that the United States should take the lead in bringing the subject before the Conference. Mr. Choate hesitated however to do so for the reason that he will be precluded by his instructions from signing any Arbitration Treaty without the express reservation that the terms of reference to the Arbitrators ("compromis") must in each particular case remain subject to the approval or ratification of the United States' Senate. His Excellency feels that it might well appear to the Conference somewhat ungracious if the very Power that brings forward the question and urges the assembled Delegates to append their signatures to a general Treaty should itself qualify its engagement thereunder by so restrictive a reservation.

2. Mr. Choate is accordingly most anxious that the British Delegates should take the initiative in bringing the matter forward, in which case he would support them energetically; and we have been given to understand that a British initiative would be warmly welcomed by many of the smaller Powers.⁽²⁾ We have therefore the honour to request authority to lay a definite proposal before the Conference.

3. Monsieur Lammasch, the Austro-Hungarian Technical Delegate, has called our attention to the fact that a large number of the arbitration Treaties, actually in force between the several States,⁽³⁾ contain an express stipulation to the effect that every State shall be its own judge as to whether a particular matter is or is not of a nature to effect its honour or vital interests, and whether therefore the matter is one properly falling within the category of questions which must be referred to arbitration under the engagement taken in the treaty. Such an article occurs in the Treaties enumerated in the annexed list, which has been furnished to me by M. Lammasch, and it seems probable that a clause in the same sense forming part of any general international agreement respecting compulsory arbitration would facilitate its general acceptance.

4. The various general arbitration Treaties concluded by Great Britain with other Powers are, we understand, all terminable after five years from the date of ratification. It would seem proper that an international agreement of this sort should not contain any time limit, but should give each signatory Power the right to withdraw on due notice being given.⁽⁴⁾

5. I have the honour to transmit herewith a draft Treaty such as we suggest might be submitted to the Conference for approval.

6. I have just received a notice, of which I annex a copy,⁽⁵⁾ requesting on behalf of the Presidents of the four Committees of the Conference, that all original drafts, schemes and proposals which the Delegates might wish to bring before the Conference should be sent in by Sunday next the 7th instant. It is for this reason that I have just addressed to you a telegram soliciting your instructions in reply to my despatch No. 25 of the 28th ultimo in time for our taking the necessary action on Saturday.⁽⁵⁾

I have, &c.

EDW : FRY.

Enclosure 1 in No. 211.

List of Treaties.

Treaty between Belgium and Russia.				
" "	" "	" "	" "	Switzerland.
" "	" "	" "	" "	Sweden and Norway.
" "	" "	" "	" "	Spain.
" "	" "	" "	" "	Greece.
" "	" "	" "	" "	Denmark.

(2) [Marginal comments by Mr. W. Maycock: "No doubt! It would enable Bolivia, *e.g.*, to insist on our going to arbitration on some insignificant question, unless we could show that it did affect our honour or vital interests."]

(3) ["We have not got this in any of ours and it is some safeguard, but not a complete one. (*see supra*, [*i.e.*, note (2)])."]

(4) ["No objection to this so long as we can get out. W. M."]

(5) [Not reproduced as the tenor is sufficiently indicated. A reply was sent to Sir E. Fry on July 5; *v. infra*, p. 257, No. 213.]

List of Treaties—(continued).

Treaty between	Switzerland	and	Sweden and Norway.
„	„	Russia	and „
„	„	Spain	and „
„	„	Denmark	and Spain.
„	„	„	and Russia.

Enclosure 2 in No. 211.

Projet de Convention.

ARTICLE I.

Les différends d'ordre juridique ou relatifs à l'interprétation des traités existant entre deux ou plusieurs des États Contractants qui viendraient à se produire entre eux, et qui n'auraient pu être réglés par la voie diplomatique, seront soumis à la Cour Permanente d'Arbitrage établie à La Haye par la convention du 29 juillet 1899, à la condition toutefois qu'ils ne mettent en cause ni les intérêts vitaux ni l'indépendance ou l'honneur de l'un ou l'autre des dits États, et qu'ils ne touchent pas aux intérêts d'autres États ne participant pas au litige.

ARTICLE II.

Il appartiendra à chacune des Hautes Parties contractantes d'apprécier si le différend qui se sera produit met en cause ses intérêts vitaux, son indépendance, ou son honneur, et, par conséquent, est de nature à être compris parmi ceux qui d'après l'article précédant, sont exceptés de l'arbitrage obligatoire.

ARTICLE III.

Dans chaque cas particulier, les Hautes Parties Contractantes, avant de s'adresser à la Cour Permanente d'Arbitrage, signeront un compromis spécial, déterminant nettement l'objet du litige, l'étendue des pouvoirs des arbitres, la procédure et les délais à observer, en ce qui concerne la constitution du tribunal arbitral.⁽⁶⁾

ARTICLE IV.

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme sera remise par la voie diplomatique à toutes les Puissances, qui ont été représentées à la Conférence Internationale de la Paix de La Haye.⁽⁷⁾

ARTICLE V.

Les Puissances non-Signataires pourront adhérer à la présente Convention. Elles auront à cet effet à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.⁽⁸⁾

⁽⁶⁾ [Marginal comment by Mr. W. Maycock: "This is already in all the arbitration agreements."]

⁽⁷⁾ [Marginal comment by Mr. W. Maycock: "This is already in all the arbitration agreements."]

⁽⁸⁾ [Marginal comment by Mr. W. Maycock: "This w[oul]d enable still more insignificant States to come in."]

ARTICLE VI.

S'il arrivait qu'une des Hautes Parties Contractantes dénoncât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

Si l'Etat dénonçant se trouve, à l'expiration de l'année suivant la notification, en négociations avec un ou plusieurs des autres Etats Signataires pour l'arrangement d'un litige par voie d'un accord arbitral conformément aux stipulations du présent traité, la dénonciation n'aura pas ses effets par rapport à l'affaire non encore résolue.

MINUTES.

I have held up the tel[egram] we were about to despatch as it now appears that the U[nited] S[tates] don't intend to take the initiative.

The Convention proposed would compel us, as it stands, to go to arbitration with any insignificant State who chose to demand it unless we could show that it affected our honour or vital interests. If we could insert some words in Article II such as "or in regard to which there are strong political cons[ideratio]ns for not going to arbitration" we sh[oul]d be sufficiently safeguarded.

W. M.
5 July.

I submit an alternative Instruction.

Sir E. Grey.

Since you approved this morning the tel[egram] to Sir E. Fry resp[ectin]g compulsory arbitration a desp[atch] has arrived giving the text of the proposal. The tel[egram] has been held up and I submit another d[ra]ft tel[egram] to take its place.

The tel[egram] should go to-night.

(July 5, 7 p.m., No. 4.)⁽⁹⁾

C. H.

⁽⁹⁾ [*v. infra*, p. 257, No. 213. The draft preserved with these papers is that of the telegram finally sent, and bears corrections in Sir Edward Grey's hand. The text of the previous draft cannot be traced.]

No. 212.

Sir E. Fry to Sir Edward Grey.

F.O. 372/68.

22221/268/07/329.

Tel. (No. 6.)

The Hague, July 5, 1907.

D. 1·20 P.M.

R. 3·20 P.M.

My despatches Nos. 31 and 34.⁽¹⁾

Second paragraph of French proposal has been amended by addition of following words :—

“ et ne pourra produire d'effet à leur égard qu'après réception d'une notification faite même par voie télégraphique.”

⁽¹⁾ [Not reproduced. Sir E. Fry's despatch No. 31 of July 3, 1907, Recd. July 4 (F.O. 372/68, 21960/268/07/329.), reported the suggestion by the French delegates on the Committee for the adoption of two rules which he described as follows :—

“ (a) That hostilities between any of them must be preceded by a clear warning in the form of either a declaration of war, setting out the grounds of declaring it, or an ultimatum containing a conditional declaration of war; and

(b) That the existence of a state of war should be notified to the neutral Powers without delay.”

Sir E. Fry further expressed the view of the British delegates that the first proposal would not be “ any serious embarrassment to H[is] M[ajesty's] Gov[ernment] ” provided there was no fixed interval after the warning, while the second “ appears to be in entire harmony with the principles and practice recognized by Great Britain.”

Sir E. Fry's subsequent despatch No. 34 of July 4 dealt further with the same subject. (F.O. 372/68, 22200/268/07/329.)

With this amendment both articles are accepted by France, Germany, Russia and Italy. We are of opinion that Great Britain should also accept.
 Next sitting of Committee July 12.
 Despatch following.

No. 213.

Sir Edward Grey to Sir E. Fry.

F.O. 372/68.

22201/268/07/329.

Tel. (No. 4.)

Foreign Office, July 5, 1907.

D. 7 P.M.

Your despatches 25⁽¹⁾ and 35⁽²⁾: Arbitration.

Our difficulty is that under your draft Convention we should be compelled to go to arbitration with any Oriental or minor State that signs it or may hereafter accede to it no matter how small the question unless we could show that it affected our honour or vital interests.

It would be desirable to safeguard this in some way if you take the initiative, by inserting in Article 2 some such qualifying words as "or unless there are strong political grounds for declining arbitration to be determined by either party," but in this case I think it would be preferable that the United States should take the initiative as the proposal is really theirs, and initiative has been devolved upon us on other points.

(¹) [*v. supra*, pp. 251-2, No. 209.]

(²) [*v. supra*, pp. 253-4, No. 211.]

No. 214.

Sir Edward Grey to Sir E. Fry.

F.O. 372/75.

42742/268/07/329.

Tel. Private.

Foreign Office, July 15, 1907.

D. 5.45 P.M.

Your despatch No. 68.⁽¹⁾

I see great objection to a general Treaty of obligatory arbitration unless it is so guarded as to be of little value. The proposal you make would be a safeguard but its application in any particular case would be invidious. I must however consult the Prime Minister and Lord Chancellor before sending instructions. This I am doing. Meanwhile can you find out what the attitude of other leading Powers such as Germany and France will be.

(¹) [Not reproduced. It reported that Sir E. Fry had informed Mr. Choate of the reasons which precluded the British delegation from proposing to the Conference the conclusion of a general Arbitral Convention, and that he had given Mr. Choate at his request a copy of the draft originally prepared with a view to its being proposed by the British delegation. The remainder of the despatch is summarised in Sir E. Fry's private letter of July 21, *v. infra*, p. 260, No. 219. (F.O. 372/69. 23241/268/07/329.)]

No. 215.

Sir E. Fry to Sir Edward Grey.

F.O. 372/69.

23817/268/07/329.

Tel. (No. 14.) Confidential.

The Hague, July 17, 1907.

D. 7.30 P.M.

R. 9.30 P.M.

My telegram No. 12.⁽¹⁾

Second German Delegate informed Crowe to-day that, having travelled to Berlin for the express purpose of discussing the question of General Convention for

(¹) [Not reproduced. The substance is indicated in the last paragraph of the present telegram.]

obligatory arbitration, he brought back yesterday morning definite instructions to refuse to accept any such Convention even if England, France, and United States were in favour of it.

It is difficult to reconcile with this statement the intimation made to me by M. Bourgeois yesterday afternoon that the German Delegates were most anxious to discuss question with us with a view to understanding between four Powers.

No. 216.

Sir Edward Grey to Sir E. Fry.

F.O. 372/75.

42742/268/07/329.

Private.

Dear Sir Edward Fry,

Foreign Office, July 18, 1907.

I am afraid you will think that there is delay in answering some of your questions. When matters of importance arise, which are not covered by the instructions, it is necessary for me to consult one or two of my colleagues and, as we are all so busy during the Session, this takes a little time.

On some questions the opinion of the Admiralty is most important and Ottley knows the mind of the Admiralty so well that I hope you will make sure of the ground with him before putting forward anything not contained in the instructions which concerns the Admiralty.

I gather that our proposal about armaments is now in possession of the delegates, so that they may consult their own Governments about it. You do not say whether the German Delegates have expressed any opinion about it yet or whether the Americans will be firm in their support of it, but no doubt you will make sure before it is proposed at the full Conference that it is in a form which will not give rise to difficulties and will receive adequate support.

We are to have a Cabinet to-morrow at which I shall be able to see the Prime Minister and the Lord Chancellor together, and I hope after that to be able to send you a reply on the question of arbitration.

Yours sincerely,
E. GREY.

No. 217.

Sir E. Fry to Sir Edward Grey.

F.O. 372/70.

24580/268/07/329.

Tel. (No. 18.)

The Hague, July 19, 1907.

D. 3.18 [P.M.]

R. 5 [P.M.]

My telegram No. 14.⁽¹⁾

I have received this morning a long visit from M. Bourgeois who feels very strongly on the question of so-called compulsory arbitration and who will support proposition with his vote. He has conversed with Baron Marschall on the subject who will take opposite view and also on the subject of American proposition with regard to arbitration on financial claims. Baron Marschall has pointed out that this proposition, though it may be a shield of a weak state against a strong one, affords no means for a weak state to express its claim against a strong one. I replied that these differences arose not from the proposition in question but from the pre-existing difference of strength, but he replied that it is a strong reason for introducing a general convention for arbitration on certain subjects including financial differences. M. Bourgeois expressed the strongest hope that Great Britain

⁽¹⁾ [v. *supra*, pp. 257-8, No. 215.]

would act with France in the matter and said that moral effect of a contrary vote would be disastrous.

I promised to send you an account of interview which I accordingly do, at the same time I beg for the earliest instructions as to whether we are (firstly) to vote for compulsory arbitration or (secondly) against it or (thirdly) to abstain from voting.

Vote may be taken at the next meeting of committee.

MINUTES.

July 19, 1907.

I don't *think* this affects the tel[egram] which is just going to be sent but perhaps it had better be considered first.

W. M.

19 July.

No. Sir E. Grey's tel[egram] can go on.⁽²⁾

C. H.

E. G.

The instructions now sent provide a means by which the French and we can vote together, if they will accept our modification, which I think they ought to do.

[E. G.]

Compulsory arbitration is an unfortunate term, and confuses the discussion. What is intended is a *general* treaty of arbitration. There can be no compulsion in the true sense of that term, unless there is a "European" force, or something of that kind, equivalent to an international police, to enforce the decree of the Court of Arbitration against whoever disobeys the decree which it may have issued.

F.

⁽²⁾ [v. immediately succeeding document.]

No. 218.

Sir Edward Grey to Sir E. Fry.

F.O. 372/69.

23539/268/07/329.

Tel. (No. 15.)

Foreign Office, July 19, 1907.

D. 7.45 P.M.

We will accept general arbitration proposal, provided we have some means of safeguarding it against abuse. If Articles 1 and 2 were altered so as to exclude not only questions touching vital interests or independence or honour, but also to exclude cases where "for special reasons of which each State must itself be the judge the State considers that the method of arbitration is inexpedient," we should have all the protection which is necessary. In practice it would not really weaken the clause and our position under it would be analogous to that of the United States, which is guarded by the functions of the Senate.

No. 219.

Sir E. Fry to Sir Edward Grey.

F.O. 372/75.

42742/268/07/329.

Private.

Dear Sir Edward Grey,

Hotel des Indes, The Hague, July 21, 1907.

I have to thank you for your private letter of the 18th instant.⁽¹⁾

We are in constant communication with Captain Ottley on all subjects relative to naval affairs, and we greatly value his knowledge and ability.

The proposed resolution on the limitation of military and naval expenditure has not been formally made known to all the Delegates, but has been widely circulated. I believe that the Germans will not oppose it if urgency be omitted, and that I propose to do. My belief is that the resolution will be adopted *nem. con.*

⁽¹⁾ [v. *supra*, p. 258, No. 216.]

I have also received your telegram No. 15⁽²⁾ in which you say "we will accept general arbitration proposal provided we have some means of safeguarding it against abuse," and you proceed to suggest certain words which in our humble opinion it would be very unwise to lay before the Conference in the state of feeling here existing. It would, I feel sure be felt as a mere evasion of the principle of compulsory arbitration, and I believe that to mention it in public would produce a very unfortunate result; I would rather frankly state our dissent than propose such a condition, and in this opinion my colleagues agree. May I recall your attention to paragraphs 3 and 4 of my despatch No. 68⁽³⁾ in which I proposed a method of safeguarding the right against abuse by means of a power of nomination given, by implication, in respect of each State; *i.e.*, by introducing into Article 5 of the American proposal Annex 28 after the word "convention" some words to this effect:—"soit à toutes, soit à une ou plusieurs des Hautes Parties Contractantes"; and I have found from Mr. Choate that he will be willing himself to introduce some such words into his proposal, so that they very likely might pass with little discussion. Such words would place us *vis-à-vis* of each State in the same position as if we had made a separate treaty with that State and can be defended on that ground, as well as on the ground that they will tend to prevent a vexatious use of the right to arbitrate. It may be true that the exercise of the right might prove somewhat invidious, but I venture to suggest that it would be no more invidious than a declaration that for special reasons Great Britain considered the method of arbitration inexpedient.

I ought to apologise for the insistence on our view of the situation, but we have received no definite reply from you as to the specific proposal to which I again refer and as we regard it as by far the most available solution of the difficulty, I feel that I am bound again to recall your attention to it. If, after this appeal, you still hesitate to accept our solution, it might be useful to have a detailed statement as to the particular class of cases which you would desire to exclude from arbitration.

Believe me to be

Yours very truly,
EDW: FRY.

⁽²⁾ [*v.* immediately preceding document.]

⁽³⁾ [Not reproduced. *cp. supra*, p. 257, No. 214, note ⁽¹⁾.]

No. 220.

Sir Edward Grey to the Lord Chancellor.

F.O. 372/75.

42742/268/07/329.

Private.

My dear Chancellor,

Foreign Office, July 22, 1907.

You will see Sir E. Fry's letter.⁽¹⁾ I feel very great difficulty in standing out against the principle of Arbitration backed by the United States and France. We shall be made the cat's-paw for blocking the whole thing. My own opinion would be to agree, relying upon Article II to cover inconvenient cases. It certainly would cover such a question as extra-territorial jurisdiction.

Yours sincerely,
E. GREY.

Fry's letter is in answer to a telegram⁽²⁾ founded upon your view, which was also mine.

E. G.

⁽¹⁾ [*v.* immediately preceding document.]

⁽²⁾ [*v. supra*, p. 259, No. 218.]

No. 221.

The Lord Chancellor to Sir Edward Grey.

F.O. 372/75.

42742/268/07/329.

Private.

My dear Grey,

House of Lords, July 22, 1907.

Very well. I have no doubt you are right and I certainly would rather run a risk than block arbitration. Yet the U[nited] S[tates of] A[merica] have secured an unfair advantage.

I understand your view to be that we should introduce the words "soit à toutes soit à une ou plusieurs des Hautes Parties Contractantes" with article 5 of the American proposal Annex 28. I agree it is the wise thing to do.

Yours sincerely,
LOREBURN.

MINUTE.

I concur.

H. C. B.
23rd.

No. 222.

Sir E. Fry to Sir Edward Grey.

F.O. 372/70.

25159/268/07/329.

(No. 98.)

Sir,

*The Hague, D. July 25, 1907.**R. July 29, 1907.*

With reference to my despatch No. 81 of the 16th instant⁽¹⁾ I have the honour to transmit to you herewith a copy of a note which I addressed to Monsieur de Nélidow, President of the Conference, on the 23rd instant, forwarding to him a copy of the resolution which is to be made to the Conference in the name of His Majesty's Government on the subject of the limitation of military expenditure.

2. Monsieur de Nélidow however was apprehensive that if the text of the proposed resolution was circulated to the members of the Conference in advance, it might provoke a number of amendments necessitating a prolonged and perhaps dangerous discussion.

I have therefore agreed to leave the matter entirely in His Excellency's hands, and I have the honour to enclose a copy of a further note which I have to-day addressed to His Excellency on the subject.

I have, &c.
EDW: FRY.

Enclosure 1 in No. 222.

Sir E. Fry to M. Nelidov.

Monsieur le Président,

La Haye, le 23 Juillet, 1907.

J'ai l'honneur de vous transmettre ci-jointe une résolution sur la question de la limitation des charges militaires, que j'ai l'intention de soumettre à la connaissance de la Conférence à une de ses réunions prochaines.

Je viens vous prier, en attendant, M. le Président, de la faire imprimer et distribuer aux délégués des Puissances, afin que, quand la question sera discutée, ils soient à même de faire connaître les opinions de leurs Gouvernements à ce sujet.

Veillez, &c.
EDW: FRY.

⁽¹⁾ [Not reproduced. It stated that Sir E. Fry had informed M. Nelidov on the 14th of the terms of the proposed resolution dealing with military and naval expenditure.]

Enclosure 2 in No. 222.

Resolution respecting the Limitation of Military Expenditure.

La Conférence confirme la résolution adoptée par la Conférence de 1899 à l'égard de la limitation des charges militaires : et vu que les charges militaires se sont considérablement accrues dans presque tous les pays depuis la dite année, la Conférence déclare que la question est plus que jamais urgente et qu'il est désirable de voir les gouvernements reprendre l'étude de cette question.

Enclosure 3 in No. 222.

Sir E. Fry to M. Nelidov.

Monsieur le Président,

La Haye, le 25 Juillet, 1907.

J'apprends par l'entremise de Lord Reay qu'il vous semble préférable de ne pas distribuer aux délégations la résolution quant à la limitation des charges militaires et navales, dont une copie est déjà entre vos mains.

Je n'ai pas besoin de vous dire que je m'en rapporte entièrement à vous, et que par conséquent il n'est pas nécessaire de tenir compte de ma demande de circulation.

Comme j'ai déjà eu l'honneur de vous dire il y a deux ou trois jours je ne manquerai pas de donner toute mon attention aux objections que vous auriez à formuler à la séance plénière quant à l'emploi du mot "urgente."

Veuillez, &c.

EDW : FRY.

No. 223.

Sir E. Fry to Sir Edward Grey.

F.O. 372/75.

42744/268/07/329.

Private.

Dear Sir Edward Grey,

The Hague, August 1, 1907.

I thank you for your letter of the 30th July⁽¹⁾ which has reached me to-day.

So far as I can learn Stead has been making all the mischief here—in his power.

I do not see that the Bureau for the Pan American Congress affords much help to us in framing a scheme for the continued sittings of the Hague Conference, nor do I see that any help is to be gained from the two papers prepared by Mr. Stead.

We have had no difficulties with our American colleagues, with whom especially Mr. Choate I am in frequent communication and I do not think that we have anything to complain of in reference to candour on their part, tho' the volumes of their eloquence sometimes remind me that half is more than the whole. We are, as you suppose, at one with them on the questions of General arbitration, the reconstitution of the Hague tribunal and the so called Drago doctrine.⁽²⁾

The conference does not make rapid progress "ma pur si muove."

I long for its end.

Yours very truly,

EDW : FRY.

⁽¹⁾ [Not reproduced as its tenour is indicated above.]

⁽²⁾ [*cp. supra*, p. 209, No. 178, note ⁽¹⁾.]

P.S.—I ought to have told you that Baron Marschall has agreed to the resolution about limitation of military and naval expenditure—with this change—the last sentence to run “la dite année, la Conference declare qu’il est *hautement* desirable de voir les Gouvernements reprendre l’étude *serieuse* de cette question.”

No. 224.

Sir E. Fry to Sir Edward Grey.

F.O. 372/75.

42743/268/07/329.

Private.

Dear Sir Edward :

The Hague, August 3, 1907.

Our delegation is very much disappointed with the telegram which reached me late last evening in reply to my despatch No. 106 of 29th July⁽¹⁾ about the *voeu* which Bourgeois has proposed, and to which he attaches a great deal of importance of a sentimental character. I think that it is very desirable to take the feelings of the French into consideration, and to go as far as we possibly can to meet their wishes in this matter, because our real interests have forced us to take up an attitude of opposition to them on various questions. We seem to be always voting against them, and it is almost sure to be interpreted by the enemies of the *entente* to the prejudice of the good feeling that really exists between France and England and between the Delegates of the two Countries. Probably they would not mind so much if we said we could not go with them on the question of prize money, but since we have actually a Royal Commission sitting⁽²⁾ on the question of national assurance, why may we not say that and declare that we are in consequence ready to support his *voeu* on that point, that the Governments should take the matter into consideration? If we were allowed to do this, it would greatly facilitate our position in regard to them.

The vote on this matter was fortunately postponed yesterday, but it will be brought forward again next Tuesday, and a telegram from you giving your sanction to the way I propose to put the matter would be much appreciated by the whole Delegation. It would not in any way compromise our right to regard these questions as domestic matters which are for each State to determine.

You will be interested to know that to-day I have come to a final settlement with Baron Marschall as to the terms of my resolution about limitation of military expenditure and also as to the terms in which I am to introduce the matter and further that I have provisionally settled or nearly settled with Mr. Choate the project for the new Permanent Court.

Mr. Tsydzuki, the Japanese Ambassador, looks forward to visiting London and he has asked me to say a word to you by way of introduction which I gladly do. He is a man of high intelligence and though acting quite independently of us on some occasions has on others given us cordial co-operation.

Yours very truly,
EDW: FRY.

MINUTE.

I have authorized Sir E. Fry to act as he proposes.⁽³⁾

E. G.

(1) [Not reproduced. It referred to the French proposals as to the abolition of prize money and the creation of systems of national indemnity for losses due to the capture of merchant vessels. The telegram in reply was No. 21 of August 2, D. 4-30 P.M. It instructed Sir E. Fry to tell M. Bourgeois that he could not vote in favour of his *voeu*. (F.O. 372/70. 25456/268/07/329.)]

(2) [Marginal comment by Mr. Maycock: “But we have not. W. M.”]

(3) [v. immediately succeeding document.]

No. 225.

Sir Edward Grey to Sir E. Fry.

F.O. 372/75.

42743/268/07/329.

Tel. (No. 22.)

Foreign Office, August 5, 1907.

D. 11.45 p.m.

I agree to the course you desire to take respecting the French *voeu*. Please act as you suggest in your letter of the 3rd.⁽¹⁾

E. G.

MINUTE.

Sir C. Hardinge.

See tel[egram] sent to Sir E. Fry by Sir E. Grey yesterday.⁽²⁾

Sir Edward had not 25456⁽³⁾ [of July 29] before him when he received Sir E. Fry's private letter of 3rd Aug[ust].⁽¹⁾

By Sir E. Fry giving the expl[anatio]n he wanted to give he is saying what is not strictly accurate, because H[is] M[ajesty's] G[overnment] are not examining the Prize money Question at all and furthermore there is not a Royal Commission considering the national Insurance Question, as Sir E. Fry keeps on saying.

It was for this reason that I suggested the wording of the tel[egram] on 25456 [sent August 2] which Sir E. Grey approved.⁽³⁾

As long as Sir Edward understands this it's all right, but I think it my duty to call att[entio]n to it.

W. M.
6 Aug[ust].

Sir C. H. explained to me that Sir E. Grey's memoire only authorizes Sir E. Fry to act as he suggests in his letter of 3rd and *not* to use the language in his despatch No. 106.⁽³⁾

(1) [*v.* immediately preceding document.]

(2) [*i.e.*, the telegram above.]

(3) [Not reproduced. *cp.* immediately preceding document and *note* (1).]

No. 226.

Sir Edward Grey to Sir E. Fry.

F.O. 372/70.

26552/268/07/329.

Tel. (No. 24.)

Foreign Office, August 8, 1907.

Your despatch No. 128.⁽¹⁾ (General Arbitration.)

You are authorized to enter upon a general consideration of the Portuguese list,⁽²⁾ provided that the United States agree to include a list eventually in their draft, and that the leading Powers, such as France, Germany and Russia will do the same, for to be of value a specific Agreement of this kind should have the support of several of the Great Powers. As to the list itself, I do not think it would be safe to abandon the safeguard of Article II of the American draft in the case of the first and last categories ("a" and "q") in the Portuguese list; to do so in the case of the first category would require an examination of Treaties which are of very wide import. For the rest, please exercise your discretion as to the composition of the list but before finally agreeing to a definite list, you should let me know what list, if any, is settled as the result of the discussion, and which of the leading Powers are prepared to accept it.

(1) [Not reproduced. (F.O. 372/70. 26552/268/07/329.) In this despatch Sir E. Fry asked for further instructions on the point dealt with in the telegram printed above. He had promised the second Portuguese delegate (Senhor Oliveira) to write for them, owing to the circumstances shown in Sir C. Hardinge's correspondence with the Marquis de Soveral, *v. infra*, pp. 266-8. Nos. 228-32.]

(2) [*cp. infra*, p. 268, No. 234 and *note* (1). Category (a) was "Traité de commerce et de navigation," category (q), "Privilèges diplomatiques et consulaires."]

M. Geoffray to Sir C. Hardinge.

F.O. 372/71.

27057/268/07/329.

Private.

Cher Sir Charles Hardinge, *Ambassade de France à Londres, le 9 août, 1907.*

Je suis passé tout à l'heure au Foreign Office, sur des instructions pressantes de mon Gouvernement: c'est pour cette raison que, ne vous y ayant pas rencontré, je prends la liberté de venir vous ennuyer à une heure aussi tardive.

Il s'agit de la question de l'arbitrage obligatoire qui est en ce moment même l'objet de l'examen d'un des Comités de la Conférence de La Haye. Au cours de la discussion qui a eu lieu avant hier au sujet de cette question, Sir Edw[ard] Fry a déclaré qu'il ne pouvait accepter l'établissement d'une liste de cas devant être obligatoirement soumis à la Cour d'arbitrage. Sur les instances d'un certain nombre de membres et tout spécialement de M. Bourgeois, il a promis de solliciter de nouvelles instructions du Gouvernement de S[a] M[ajesté] Britannique. Vous avez sans doute déjà été saisi de son rapport.

Comme vous le pensez, M. Bourgeois a été très ému de la déclaration de Sir Edw[ard] Fry, qui, à son avis, pourrait mettre en danger les résultats de la Conférence ou amener un certain nombre de Puissances (quelques-unes en auraient déjà manifesté l'intention) à conclure un arrangement en dehors du Gouvernement anglais.

C'est pour éviter une aussi regrettable éventualité que M. Pichon m'a chargé d'insister auprès de Sir Edw[ard] Grey pour obtenir que la question soit l'objet d'un sérieux examen qui, dans sa pensée, amènera le Cabinet Britannique à partager les vues de la délégation française. Je n'ai pas besoin de vous rappeler qu'en ce qui touche l'énumération des cas qui devaient obligatoirement être soumis à ce Cour d'arbitrage, M. Bourgeois a maintes fois déclaré qu'il était animé du plus grand esprit de conciliation et que ses desiderata étaient "modestes."

Je vous serais très reconnaissant de me mettre à même d'informer, le plus promptement possible, notre ministre des affaires étrangères, de la suite que le Gouvernement Britannique aura cru devoir donner à cette affaire. Le Comité doit se réunir demain matin à La Haye.

Veillez croire, cher Sir Charles Hardinge, à mes sentiments bien dévoués.

GEOFFRAY.

MINUTES.

Foreign Office, Treaty Dep[artmen]t, August 9, 1907.

The French Minister called this evening to say that his Government had telegraphed that in the discussion about General Obligatory Arbitration Sir E. Fry had refused to discuss any list and that when pressed he said that he must telegraph for instructions.

The French Gov[ernmen]t urge that instructions may be sent to Sir Edward and at once as the discussion is to-morrow.

I told M. Geoffray I would let him know first thing to-morrow whether any instructions had been sent.

I imagine No. 24 to Sir E. Fry⁽¹⁾ are the instructions and that I can say that they have been sent.

W. L.

Yes! You might tell him that Sir E. Fry's original instructions were to support the American Proposal which contained no specific List of Treaties but that inst[ructio]ns have since been sent to him authorizing him to consider generally a list etc. if other Powers support this method of constructing the instrument.

W. M.

9 Aug[ust].

Done Aug[ust] 9, '07.

Foreign Office, August 10.

I have had a letter this morning from M. Geoffray to which I am having a reply prepared.⁽²⁾

C. H.

(1) [*v.* immediately preceding document.]

(2) [*For the reply v. infra, p. 268, No. 234.*]

No. 228.

The Marquis de Soveral to Sir C. Hardinge.

F.O. 372/70.

26719/268/07/329.

Private.

My dear Hardinge,

H.M. Yacht Victoria and Albert, August [sic] 1907.

I am writing in great haste as I must be off for a sail. I have just received from the Hague a telegraph [sic] that upsets me a good deal. Sir Edward Fry declared in the big Committee that he had received instructions to support the principles of the American and Portuguese proposals. I hear now that to everybody's great astonishment he declared last night in the "Comité d'examen" against my proposal! You may imagine my feelings, having communicated some time ago your support to my Government.

I don't know yet when I shall have to go but at all events I will try to make sure to see you before.

Yours ever,
SOVERAL.

No. 229.

Sir C. Hardinge to the Marquis de Soveral.

F.O. 372/70.

26719/268/07/329.

Private.

My dear Soveral,

Foreign Office, August 9, 1907.

I am very sorry to learn that you have received a telegram from The Hague⁽¹⁾ which causes you concern in regard to the Portuguese proposal on questions to be determined by arbitration.

We had a despatch from Sir E. Fry on the subject to-day⁽²⁾ from which it appears that there is some misunderstanding as to his having assented to accept your proposal en bloc.

The 16 categories of Treaties scheduled in your proposal cover a very wide field and it is asking a great deal from us to concede that there is no provision in any of them that might not affect the honour, independence, or vital interests of this country, and so bind us hand and foot to go to arbitration on all or any questions which they may embrace. These remarks apply especially to the very comprehensive heading of "Treaties of Commerce and Navigation."

We have however instructed Sir E. Fry to consider how much of your proposal he can support provided the Americans are willing to embody a classification of Treaties in their proposal, and other Great Powers also agree to an instrument constructed on those lines. I think this is as far as you can fairly expect us to go and I hope this will be satisfactory to you.

C[HARLES] H[ARDINGE].

MINUTES.

Foreign Office, August 9, 1907.

Will this do and would you wish copies to be sent privately to Fry?

Please.

W. M.

C. H.

(1) [cp. immediately preceding document.]

(2) [cp. supra, p. 264, No. 226, note (1).]

No. 230.

Sir Edward Grey to Sir E. Fry.

F.O. 372/70.

26695/268/07/329.

Tel. (No. 25.) *En clair.**Foreign Office, August 9, 1907.*

Your telegram No. 24⁽¹⁾ and despatch No. 119⁽¹⁾ (periodical meetings of Conference).

I was waiting to hear result of Mr. Choate's discussion with his colleagues, referred to in paragraph 5 of your despatch; but in the absence of any opinion to the contrary, it would seem preferable, after what M. Nelidoff has said, to treat the matter diplomatically after the termination of the Conference as suggested by him.

⁽¹⁾ [Not reproduced. Telegram No. 24 of August 9, D. 11:36 A.M., R. 12:40 P.M., merely asked for instructions. (F.O. 372/70. 26695/268/07/329.) Despatch No. 119, D. August 1, R. August 6, reported M. Nelidoff's suggestion that the matter should be left to diplomatic action after the Conference. (F.O. 372/70. 26613/268/07/329.)]

No. 231.

Sir E. Fry to Sir C. Hardinge.

F.O. 372/70.

26719/268/07/329.

Private.

Dear Sir Charles Hardinge,

The Hague, Aug[ust] 10, 1907.

I thank you for your letter of yesterday.⁽¹⁾ I am sorry that Soveral mistook what I said, but I hope that he will be satisfied when he finds me hard at work at his sixteen categories. We have spent all this morning on the first two and have found neither admissible as it stands—and I fear that we shall spend weeks over them with little profit. You have no notion of the way the business is done here.

Yours very truly,
EDW: FRY.

⁽¹⁾ [*cp. supra*, p. 266, No. 229, *min.*]

No. 232.

The Marquis de Soveral to Sir C. Hardinge.

F.O. 372/70.

26719/268/07/329.

Private.

My dear Hardinge,

H.M. Yacht Victoria and Albert, August 10, 1907.

Many thanks for your letter.

It is true that Sir E. Fry never assented to accept my proposal en bloc. What he said was that he accepted in principle the German⁽¹⁾ and Portuguese proposals. I never dreamt of having sixteen categories of Treaties, scheduled in my proposal accepted by you and other Powers. My object was and is to have a few selected amongst them and this would satisfy the great mass which is getting impatient to see that at the Conference we are thinking much more of war than of peace! The list of my proposal was presented to the Conference in 1899 by Russia and was discussed, amended and approved, and Lord Pauncefote wished for many of those categories of Treaties. What people ask is for the consecration of the principle of compulsory arbitration even for a very limited number of cases. Sir E. Fry must have told you that France is entirely on my side so is Italy, Russia, Austria, and Germany. I don't

⁽¹⁾ [*v. supra*, p. 266, No. 228; the Marquis de Soveral there mentioned the *American* and *Portuguese* proposals.]

think the Americans will oppose it. They are very keen about a permanent Court of arbitration and they must be made to understand that it will be absurd to create a Court without providing the raw material that is to say, causes to be judged by that Court. I am going to London Monday and will try to find you after 3. Please excuse my poor English and the haste I am in.

Yours very sincerely
SOVERAL.

No. 233.

Sir E. Fry to Sir Edward Grey.

F.O. 372/70.
26821/268/07/329.
Tel. (No. 25.)

The Hague, August 10, 1907.
D. 11.41 A.M.
R. 1.45 P.M.

Your telegram No. 25.⁽¹⁾

It is now quite clear that American delegate will insist on the matter being treated by conference. As soon as he hears from me definitely that England does not want to move, he intends to bring forward our proposals as his own. Discussion of subject in conference cannot therefore be avoided and we shall have to take sides in any case. In these circumstances would it not be better for us to take initiative? Great Britain's position here especially with the smaller Powers is not strengthened by an appearance of abdicating the leading part which most of them desire to see us play.

⁽¹⁾ [*v. supra*, p. 267, No. 230.]

No. 234.

Sir C. Hardinge to M. Geoffray.

F.O. 372/71.
27057/268/07/329.
Private.

Dear M. Geoffray,

August 10, 1907.

Our delegation at the Hague felt some difficulty in accepting a proposal put forward by the Portuguese Rep[resentati]ve of which I enclose a copy.⁽¹⁾

You will see Art[icle] XVI B contains a list of some 16 categories of Treaties in regard to the provision of which it is proposed that the contracting Parties should undertake not to invoke the terms of the immediately preceding Article (XVI. a.).

This is clearly a matter requiring very careful consideration and we were not aware until yesterday that there was any question of the adoption of such a list.

Sir Edward Fry had been authorized to support an American proposal which contained no categorical List of Treaties and he mentions that the idea in the minds of the Portuguese and French delegates that he would accept their list appears to have arisen through some misunderstanding.

I send for your conf[identia]l information a telegram that was sent to him on the 8th instant by The Sec[retar]y of State.⁽²⁾

C[HARLES] H[ARDINGE].

⁽¹⁾ [Not reproduced. The most important feature was Article XVI. This contained, as XVI B, a list of subjects on which the safeguarding clause (XVI A) should not be invoked. XVI B.1 comprised 16 categories (*cp. supra*, p. 264, No. 226, and *note* ⁽²⁾, and *infra*, p. 272, No. 242, *note* ⁽²⁾). Then followed XVI B.2, 3 and 4 (*cp. infra*, p. 270, No. 237, *note* ⁽²⁾).]

⁽²⁾ [*v. supra*, p. 264, No. 226.]

No. 235.

Sir Edward Grey to Sir E. Fry.

F.O. 372/70.

26821/268/07/329.

Tel. (No. 28.)

Foreign Office, August 12, 1907.

D. 4·5 P.M.

Your tel[egram] No. 25.⁽¹⁾

It seems to me that as this proposal may arouse some sensitiveness at any rate in the Russian Government it would be better to let Mr. Choate propose it. The Americans are more detached from European politics. You could support it on the ground of its being a practical method of securing this object, which we desire, without closing the door against a reference of it to diplomatic treatment if asked for by others, though no doubt a settlement of it at the Conference by general consent would be preferable.

⁽¹⁾ [*v. supra*, p. 268, No. 233.]

No. 236.

Sir F. A. Campbell to Sir E. Fry.

F.O. 372/70.

26719/268/07/329.

Private.

Dear Sir Edward Fry,

Foreign Office, August 14, 1907.

Referring to Sir E. Grey's telegram of yesterday I send you a copy of the Marquis of Soveral's reply⁽¹⁾ to the note Sir Charles Hardinge (who is away) sent to him on the 9th instant and of which Hardinge sent you a copy on the same day.

Believe me

Yours very truly

F. A. CAMPBELL.

⁽¹⁾ [*v. supra*, pp. 267-8, No. 232.]

No. 237.

Sir E. Fry to Sir Edward Grey.

F.O. 372/71.

27324/268/07/329.

(No. 136.)

Sir,

Hôtel des Indes, The Hague, D. August 14, 1907.

R. August 15, 1907.

I have the honour to acknowledge the receipt of your telegram No. 29⁽¹⁾ of yesterday's date on the subject of compulsory arbitration in specified categories of cases.

2. I do not think that there is any general opinion in favour of settling any such list as that proposed by Portugal; on the contrary Baron Marschall sees the great difficulty of this proposal, and Mr. Choate is personally opposed to it and believes that his Government will refuse to sanction any such list. Belgium is decidedly against it, and so, I think, are a good many other Powers. *France is*

⁽¹⁾ [Not reproduced. It referred to a conversation with the Marquis de Soveral as to the list proposed by Portugal, in which Sir Edward Grey had expressed the view shown in his minute to the present document.]

inclined to approve of some list though not the Portuguese one, but is evidently much embarrassed since she has hitherto failed to answer our repeated enquiries as to what subjects are to be included in it.

3. In your telegram you only refer to some of the articles under paragraph 1 of the Portuguese list, and say nothing with regard to paragraphs 2, 3, and 4,⁽²⁾ and I cannot but think that paragraph 2 is highly objectionable and paragraph 4 so vague as to be very dangerous. Paragraph 3 is the one to which it seems to me there is the least objection. Even with regard to subjects which may appear harmless, considerable difficulty might easily arise in the case of countries in which we exercise territorial rights.

4. Personally I am impressed with the great risk of giving an unconditional pledge to arbitrate in respect of treaties which have not been carefully examined with that object in view. Having regard to your telegram I shall continue to adopt a waiting attitude rather than an active one.

I have, &c.
EDW: FRY.

MINUTE.

We should I think support the principle of agreeing to a list provided it be one acceptable to and accepted by other Great Powers.

E. G.

(²) [These paragraphs read: "2. Règlement sur le terrain des fixations des limites. 3. Contestations concernant des réclamations pécuniaires du chef de dommages, lorsque le principe de l'indemnité est reconnu par les Parties. 4. Questions se rapportant aux dettes."]

No. 238.

Sir Edward Grey to Sir E. Fry.

F.O. 372/71.

27324/268/07/329.

Tel. (No. 30.) En clair.

Foreign Office, August 15, 1907.

Your despatch No. 136, paragraph 3. (Compulsory Arbitration.)⁽¹⁾

No. 2 should clearly be omitted.

No. 3 I should be in favour of accepting.

No. 4 I leave to your discretion, as we have supported American declaration *re* Drago Doctrine. We should, I think, support the principle of agreeing to a list, provided it be one acceptable to and accepted by other Great Powers as well as ourselves.

(¹) [*v.* immediately preceding document.]

No. 239.

Sir E. Fry to Sir Edward Grey.

F.O. 372/71.

27508/268/07/329.

The Hague, D. August 16, 1907.

Tel. (No. 26.) En clair.

R. August 16, 1907.

Your telegram No. 30.⁽¹⁾ I await further instructions in reply to my No. 143.⁽²⁾ Probability of any list being generally accepted very slight. Soveral himself admits it has practically no prospects. Objection which I urged as to House of Lords judgments being affected would be met by retention of reservation concerning honour and vital interests but seems insurmountable if we abandon that reservation.

(¹) [*v.* immediately preceding document.]

(²) [Not reproduced. It asked for definite instructions as to action on the Portuguese list.
F.O. 372/71. 27529/268/07/329.]

No. 240.

Sir E. Fry to Sir Edward Grey.

F.O. 372/71.

27884/268/07/329

(No. 148.)

Sir,

*The Hague, D. August 18, 1907.**R. August 20, 1907.*

The question of the limitation of military and naval expenditure was the principal item in the programme of the fourth plenary meeting of the conference which took place yesterday. I have the honour to transmit herewith a copy of the speech⁽¹⁾ in which I introduced the subject and moved the resolution in favour of the question of the limitation of armaments being further studied by the several governments represented at the conference. You will observe that before recommending the adoption of the resolution, I stated the terms of the offer which Great Britain was ready to make with a view to facilitate a restriction of naval armaments from year to year by mutual consent.

2. On the termination of my speech which was received with applause, the President, Monsieur de Nelidow, read a letter addressed to him by Mr. Choate, seconding our proposal. Monsieur Bourgeois then rose to support it in a few happily chosen words, after which Monsieur de Nelidow read first a communication in the same sense from the Spanish Delegation, and then a letter written jointly by Mr. Drago and Mr. Concha, Delegates of the Argentine and of Chile, pointing out that their countries had been the first to give practical effect to the disarmament resolution passed by the conference of 1899.

3. Finally, Monsieur de Nelidow pronounced a speech in which he associated himself, and his government with the wish expressed in our resolution and explained the reasons which had led Russia not to include the subject of disarmament in the programme of the present Conference. The resolution was thereupon adopted unanimously amid general applause.

4. I enclose copies of the several speeches and communications.⁽¹⁾

I have, &c.

EDW: FRY.

MINUTE.

It will be noticed that no word was uttered by the German Delegation. The German Gov[ernment] had of course announced that they would take no part.

F. A. C.

20/8.

(1) [Not reproduced. They were published in the press at the time.]

No. 241.

Sir Edward Grey to Sir E. Fry.

F.O. 372/71.

27884/268/07/329.

Tel. (No. 33.) *En clair.**Foreign Office, August 20, 1907.*

I congratulate you upon the success with which the resolution on Armaments was handled and upon your speech and its reception.⁽¹⁾ I am sure the effect will be good and you have done the very best that was possible.

(1) [*v.* immediately preceding document.]

No. 242.

Sir Edward Grey to Sir E. Fry.

F.O. 372/71.

27875/268/07/329.

Tel. (No. 34.)

Foreign Office, August 20, 1907, 10 P.M.

Your telegram No. 27 (of 18th August):(1) Compulsory arbitration).

I think you might now intimate readiness to accept the list in paragraph 1 (Article 16 b) of the Portuguese proposal, with the exception of (a), (p), and (q).(2)

Remainder of this list is dealt with in my telegram No. 30 of 15th August.(3) We believe all the Treaties referred to will be found in the archives of the Legation, and it would entail considerable delay to make and forward a collection from here, but if the above exceptions are made, it does not seem necessary to enter upon detailed examination of them.

You might see whether M. Bourgeois would agree to the list. If so, it can be put forward. Should it be objected to by others on the ground that time is required to examine Treaties, the preparation of a list might be undertaken after the Conference by the ordinary diplomatic methods between those Governments, who had accepted the principle of having a list.

(1) [Not reproduced, as its substance is contained in other documents.]

(2) [For (a) and (q) *v. supra*, p. 264, No. 226, note (2). Item (p) was "Conventions d'extradition."]

(3) [*v. supra*, p. 270, No. 238, and *cp. supra*, p. 270, No. 237, note (2).]

No. 243.

Sir E. Fry to Sir Edward Grey.

F.O. 372/71.

27981/286/07/329.

(No. 151.)

Hôtel des Indes, The Hague, D. August 20, 1907.

Sir,

R. August 21, 1907.

I have the honour to transmit to you herewith the minutes of proceedings of the "Comité d'Examen," to which has been referred the question of obligatory arbitration.(1) The general discussion at the three meetings covered by these minutes revealed, as was expected, the greatest divergence of views on the part of the several delegations. It is clear that the gravest objections are entertained in many different quarters both to the general principle of an unconditional obligation to refer certain categories of disputes to arbitration, and to the particular lists of such categories, which have been put forward by the Portuguese and by other delegations respectively.(2)

2. I would call special attention to the contention of Monsieur Asser, the First Netherlands delegate, which was supported by those of Austria-Hungary, Italy and Brazil, among others, that the obligatory arbitration clause ought not to be extended to disputes between individuals, which the national courts are competent to decide (pages 6, 7, 9, 12 of the minutes of the 6th meeting). This is a view which appears to me right and prudent, and I gave expression to it in section 3 of my despatch No. 143 of the 15th instant.(3) I believe it is shared by a large number of the more important delegations. It is quite true, as stated in the concluding paragraph of your telegram No. 31 of August 16th,(3) that the difficulty of submitting the judgments of the national courts to revision by an international tribunal is inherent in many schemes of international courts of appeal. It has however so far not been suggested by any one that such an international court of appeal should be established, except as regards matters of prize. That is a very special case and has throughout been treated as such the distinguishing feature being that the national prize courts are held to apply international and not national law, and may therefore less inappropriately be placed

(1) [Not reproduced.]

(2) [Marginal comment by Mr. Maycock: "Greece, *e.g.* W. M."]

(3) [Not reproduced as their tenour is sufficiently indicated above.]

in the position of having their judgments revised by an international court. I doubt whether any of the Powers, with perhaps a few exceptions, are at present ready to accept an arrangement by which a tribunal set up for the purpose of arbitration between States would act as a Court of Cassation with powers to quash the judgments of the highest national courts in cases which may range over an infinite variety of subjects.

3. Another of the serious difficulties inherent in the problem was raised by Baron von Marschall at the meeting on August 10th (See page 5 of minutes) and formed the subject of prolonged discussion at that and at the subsequent meeting which took place yesterday: That is the question how an arbitral decision given in a dispute between two Powers arising on a Treaty to which a large number of other Powers are parties is to affect those Powers. No solution of this difficulty has so far been suggested that has found general acceptance. I hope to forward at an early date a Report on this question, presented to the Committee at yesterday's meeting by the Italian Delegate in the name of a small sub-committee which had been charged to study the matter and to recommend a solution.

4. I cannot help feeling that the cumulative force of the criticisms directed against the whole scheme of lists of treaties or subjects to which the obligation to arbitrate shall apply unconditionally is very great, and I should find it exceedingly difficult were I called upon to answer them. Nevertheless, in deference to your definite instructions, I have to-day declared to Monsieur Bourgeois, to the Portuguese Delegate, and to the Committee, the readiness of Great Britain to accept the unconditional obligation in respect to the conventions or stipulations enumerated in the list which is embodied in the enclosed draft clauses.⁽⁴⁾ I trust you will approve my having added the stipulations under which (a) special provisions, made or hereafter to be made in particular treaties, for arbitration under special conditions shall remain in full force, and (b) all questions arising in connection with the interpretation or application of extra-territorial rights are specifically excluded.

5. I regret to have been obliged to come to a decision in this matter without having had any opportunity of examining the actual stipulations of our treaties in regard to which we have undertaken this serious and far-reaching obligation. I was compelled however, to act without that careful study of the actual texts that I should have desired by the importunate insistence of Monsieur d'Oliveira, the Portuguese delegate, and of the pressing representations made in the name of Monsieur Bourgeois by Baron d'Estournelles de Constant.

I have, &c.

EDW: FRY.

(⁴) [Not reproduced. Article XVI A. in this draft represented in modified form the Portuguese list; XVI B. and C. contained the stipulations referred to above. Sir Edward Grey's telegram No. 38 of August 23 "entirely approved" Sir E. Fry's action, which had been taken before the receipt of the instructions given in the immediately preceding document.]

No. 244.

Sir E. Goschen to Sir Edward Grey.

F.O. 372/72.

28488/268/07/329.

(No. 116.)

Sir,

Vienna, D. August 22, 1907.

R. August 26, 1907.

The resolution respecting the Limitation of Armaments submitted to the Peace Conference at the Hague by Sir Edward Fry has been on the whole well received by the Press here, which however has been at more pains to point out the difficulties which lie in the way of anything practical being achieved than to indicate any lines of action which the various Governments might take in order to arrive at some practical results.

[21704]

T

The "Fremden Blatt" says that the resolution submitted by Sir Edward Fry and unanimously adopted by the Conference strengthens the declaration of the first Peace Conference that a limitation of the military burdens which oppress the world is highly desirable in the moral and material interests of humanity. These burdens have however greatly increased in all countries since the first Peace Conference and now the second Conference declares that the question should be earnestly studied anew. Nowhere better than in Great Britain is it recognised how difficult it is to find a formula which will make the limitation of armaments possible. A difficulty arises at once in the British proposal respecting an exchange of information in reference to the cost of projected naval armaments, namely, that the increased expenses for armaments of a State are not to be measured by those of another State but by the total expenses of the first. This consideration will become all the more apparent when the proposals of the authorities for national defence, who should reduce their Budgets, are submitted to the approval of Parliaments. If a practical advantage is to be expected the exchange must be of proposals not yet laid before Parliaments which, as far as the Authorities know, may not approve of them. In any case even if one cannot foresee just now an international agreement respecting the proportion of armaments, one cannot disregard the importance attaching to the proof solemnly given by the Powers of their pacific intentions. The occasion for giving this proof has been furnished at the Hague.

The "Neue Freie Presse" remarks that the English proposal which lately appeared to be a weapon directed against Germany, is now regarded as an expression of pacific intentions. As to the proposal made by Great Britain that the Powers should each year reciprocally communicate the projected increase of their navies, it contains a really insoluble problem. The figures which are brought to the knowledge of Parliament, and therefore to that of the public, can hardly be mutually communicated without a discussion of them being permitted. The deliberations of the Conference have shown that both a reduction of the expenses entailed by the preparations for war and a diminution of the possibilities of armed conflicts are generally regarded as idealistic.

The "Tageblatt" and the "Vaterland" speak in rather more hopeful terms. The former remarks that the disarmament question has lost its dangerous aspect and that it has reassumed its primitive form of a humane postulate on which one can no longer impose silence. The "Vaterland" says it is a matter of congratulation that a new stage has been reached on the road which may lead to the assurance of universal peace in the most complete manner.

I have, &c.

(for the Ambassador),

LANCELOT D. CARNEGIE.

No. 245.

Sir E. Fry to Sir Edward Grey.

F.O. 372/72.

29504/268/07/329.

(No. 173.)

Sir,

Hôtel des Indes, The Hague, D. September 2, 1907.

R. September 3, 1907.

With reference to my despatch No. 161 of the 22nd ultimo⁽¹⁾ and your despatch No. 58 of the 30th ultimo,⁽¹⁾ I have the honour to report that shortly after the meeting of the Committee charged with the study of contraband, of which the procès-verbal was transmitted to you in the former despatch, I was approached by M. Bourgeois who seemed anxious to arrive at an understanding with us on the subject of contraband. Lord Reay was away from The Hague at the time, and I therefore

⁽¹⁾ [Not reproduced as its tenour is indicated above.]

directed Mr. Crowe and Mr. Hurst to see the members of the French delegation and ascertain what concessions the French Government were willing to make to meet the views of His Majesty's Government. The result was on the whole satisfactory and I am hopeful that an arrangement may be reached.

2. I have the honour to enclose a copy of a memorandum by Mr. Hurst in which the course of the negotiations is described, and from which it will be seen that they have resulted in the preparation of the rough draft of an agreement (enclosure 2). I understand that a copy of this rough draft has been sent to the Minister for Foreign Affairs in Paris. The memorandum also explains at length the advantages to be derived from such an agreement and shows that it is improbable that Germany would be willing to enter into a similar arrangement.

3. If an agreement can be reached on these lines it will in our opinion be of great value, and so soon as we hear that the ideas embodied in the rough draft are approved by the French Government, we shall continue the negotiations. It will not be necessary for us to ask for further directions from you on the subject, as it is sufficiently covered by the general instructions which we were honoured in your despatch No. 1 of June 12.⁽²⁾

I have, &c.
EDW.: FRY.

Enclosure 1 in No. 245.

Contraband.

Memorandum by Mr. Hurst.

1. On August 21st at the meeting of the Contraband Committee, Monsieur Renault stated definitely on behalf of France that he was not prepared to give up conditional contraband: a position in which he was supported by Mr. Kriege on behalf of Germany. The cause of these announcements was Admiral Sperry's declaration that the United States of America would be content with nothing more than the list of absolute contraband.

2. Shortly after this meeting Monsieur Bourgeois suggested to Sir E. Fry that negotiations should take place to see whether the two countries could not come to an understanding on the subject and Sir Edward directed Mr. Crowe and myself to see the members of the French delegation. France was obviously unwilling to be driven into the arms of the Germans who were making tentative efforts to open negotiations simultaneously.

3. From the strategic point of view Captain Ottley states that a satisfactory agreement with France as to contraband is much more important than an agreement with Germany. In case of war with the latter she would not be in a position to interfere materially with the sea-borne trade of Great Britain and would therefore not be able to intercept the cargoes of corn and cotton *en route* for British ports. France on the other hand has the advantage of the geographical situation, and if she were at war with us her ships could sally out and intercept a certain number of cargoes intended for Great Britain.

4. The political advantage of agreeing with France on this matter rather than driving her into an agreement with Germany and Russia is obvious.

5. From the economic point of view Great Britain's concern is the uninterrupted flow of her supplies of food-stuffs and of raw materials. We have ourselves always treated food-stuffs as conditional contraband and cotton was, during the recent war, treated by Russia as *absolute* contraband. The advantage therefore of making an agreement that will prevent the supply of the non-combatant population and the cotton supply of Lancashire from being interfered with by the Power that is able to interfere is very great. The alternative to such an agreement is that the existing rules of Inter-

⁽²⁾ [v. *supra*, pp. 242-50, No. 206.]

national Law, which are very uncertain at present, would apply in case of war with France and also there will be an additional signatory to a contraband agreement that will embody rules to which we are opposed.

6. So long as France insists on the maintenance of conditional contraband, it is only possible to provide immunity for the food stuffs by an agreement that will exclude from the category of conditional contraband, food stuffs on their way to a commercial port.

7. At the meeting of the Contraband Committee on August 21st, 1907 France had put in a proposal as to conditional contraband in the following terms:—

“*Sous la condition nécessaire d’une notification préalable par voie diplomatique les belligérants ont le droit de déclarer également contrebande de guerre les articles susceptibles de servir à la guerre ou d’assister l’état ennemi, et d’en interdire le trafic aux navires neutres lorsqu’ils sont destinés aux forces ou établissements militaires ou navals ou aux services de l’Etat ennemi.*”

As worded it was ambiguous, because it was not clear whether “*destinés*” applied to the “*navires*” or the “*articles*” and the difference from our point of view is vital.

8. At the discussion on August 25th the French kept wandering off into fleet auxiliaries and the sinking of neutral prizes but the general upshot was that they seemed likely to agree to limit conditional contraband on board ships proceeding to a naval or military port or to a fleet.⁽³⁾

9. That point is all-important for Great Britain, as it means that food stuffs or a vessel proceeding to, for example, Liverpool, would not, barring blockade, be touched and the food supplies of the United Kingdom would be safe.

10. The prospect of an agreement as to conditional contraband being favourable, some notes were then prepared as to the contents of a possible agreement with France covering the whole ground of contraband and discussed at a meeting with Monsieur Renault on the 28th. These notes were afterwards embodied in the draft annexed.

Article 1 contains the first two items of the list of absolute contraband agreed by the Contraband Committee.

Article 2 is a new version of the twelfth item intended to give a power to a nation to make new inventions of warlike apparatus absolute contraband. It gives the Prize Court (and therefore the International Prize Court of Appeal) the power of deciding whether or not the particular article is exclusively for war purposes and therefore legitimately made absolute contraband. If held not to be, then it is only conditional contraband.

Article 3 applies the doctrine of continuous voyage to absolute contraband consigned to a neutral port for carriage overland to the armed forces of the enemy.

Article 5 enumerates (and thereby limits) the classes of conditional contraband and defines with precision the fact that they are only contraband when on board a ship proceeding to a naval or military port, or a fleet.

The condition being the destination of the ship the doctrine of “*continuous voyage*” will disappear as to conditional contraband.

Articles 4 and 6 contain the penalties for the carrying of contraband. They are not quite in accord with existing English practice but much more so than will be the French. It is very important that if the International Prize Court is to be established that an agreement on this point should be come to, as the French practice has always differed from the British.

Article 7 provides for the payment of costs and damages where a ship is seized and ultimately found to contain no contraband.

The Law Officers in their Report dated June 16th 1906 on the “*Calchas*” and the “*Allanton*” urged that an effort should be made to secure by international agreement the right to adequate compensation in such cases.

(³) [Marginal comment by Mr. Maycock: “*That’s what we want.*” [W. M.]]

With the establishment of an international prize court of appeal, I think that such a provision is very desirable. Without the international court, I am afraid that it would in many countries only put a premium on perverse verdicts. It will render it necessary for naval officers to be careful, and if the effect is that more ships will be left alone, it will tend to the abolition of contraband.

It is well to remember that we ourselves paid compensation to the Germans in the South African war cases (the "Bundesrath" &c.), but up till now have been singularly unsuccessful in obtaining it from the Russians or the Japanese. The absence of any binding rule is at present that we pay compensation to others and do not get it for ourselves.

Article 8 is a list of non-contraband, inserted in accordance with Article 28 of the Instructions to the Plenipotentiaries. The list is of course tentative, the great thing is to have a list. Mineral Oil for lamps is inserted to cover cases like the decision of the Russian Court in the "Oldhamia" and may be useful to draw in the Americans.

Lord Reay suggested that instead of a list we should have a sweeping clause, providing that nothing should be condemned as contraband except the items mentioned in the absolute and conditional lists. The objection to this is that it does not clearly bring out the idea that there are items that might conceivably be or have been treated as contraband but cannot for the future be inserted in the lists of absolute or conditional contraband.

11. An agreement with France on these lines would be, in my opinion, exceedingly valuable. With Spain and Portugal agreeable to the abolition of contraband, the United States of America agreeable to the abolition of conditional contraband, and France willing to limit conditional contraband so as to exclude cargoes on ships bound for commercial ports, the foodstuffs and the cotton of Great Britain could not be touched by any Power except Germany and she, according to Captain Ottley, is not in a position to do it.

12. There is very little prospect of getting Germany to make a similar agreement. In the overtures that have been made by Dr. Kriege and the discussions that have taken place, it is clear that Germany will not only adhere to the doctrine of conditional contraband, but will insist on the destination of the goods, as apart from the destination of the ship, being the test of the innocence of the cargo. With any such principle admitted, foodstuffs may always be condemned, however little the evidence that they are really for the belligerent forces, and an agreement admitting any such doctrine is, in my opinion not worth signing. It is difficult to say what are the existing rules of International Law, for the decisions of Russian and Japanese Prize Courts during the late war were unsatisfactory, but I do not think that an agreement such as Germany would like would be any clear improvement on the existing state of things. The decisions of the Japanese Prize Court in the cases of the "Pehping" and the "Hsiping" show the ease with which foodstuffs can be condemned, where the destination of the goods and not of the ships is taken as the test of the cargo being contraband.

13. An agreement with Germany as to contraband that would be binding on Germany as a belligerent when Great Britain was neutral might possibly be of some advantage to British shipping, as it would enable British shipowners to know with exactness what cargoes they could safely carry and what they could not: but on the other hand (except Great Britain) Germany's only probable opponents are Continental Powers, and contraband could therefore be carried to the ports of some neighbouring State, and secondly there will we hope be the International Prize Court to overrule any pretensions on the part of Germany that are contrary to International Law. Unless therefore the agreement was distinctly favourable in its terms it is unlikely we should obtain any great advantage from it.

14. Assuming that an agreement can be reached with France on the above lines, the matter must be carefully considered whether it is worth while to make a separate agreement with the United States of America, giving effect to their willingness to

abandon conditional contraband altogether. There seem to be strong arguments against it, and that it would be preferable to induce them to come into the agreement with France.⁽⁴⁾ The only scope which a separate agreement with the United States of America can have is that in the event of war between the two Powers, there shall be no conditional contraband. No possible advantage would accrue to us from an agreement to the effect that in the event of a war with some other Power, the British Prize Courts would not condemn American cargoes as conditional contraband, because if the foodstuffs destined for Great Britain are seized and condemned, it will be in the prize courts of our opponents, and they would not be bound by the agreement.

To an agreement specifically contemplating the case of war between Great Britain and the United States I think there are strong objections on the ground of sentiment. America stands to obtain as great an advantage from a treaty on the lines of the suggested agreement with France, as from an agreement abolishing conditional contraband. Her chief exports will go free so long as they are in ships destined for commercial ports. Furthermore a combined agreement between Great Britain, France and the United States would place us in a stronger position than separate and divergent treaties with each of them.

On the other hand it may of course be argued that an agreement definitely abandoning conditional contraband with the United States of America would be a valuable step in the progress of the complete abolition of contraband at which we are aiming.

For the present this question had better be left open.

15. Monsieur Renault asked me on the 30th if we were going to bring before the Contraband Committee the agreement we had suggested to him, embodied in the attached draft—and I replied that we should not do so unless we heard that they were prepared to accept it.

C. J. B. HURST.

31.8.07.

Enclosure 2 in No. 245.

Proposition britannique relative à la contrebande de guerre.

ARTICLE 1.

Est de plein droit interdit aux navires neutres à destination de forces ou du pays ennemi et par le seul fait de l'existence connue des hostilités, le trafic des objets suivants compris sous le nom de contrebande absolue :—

(suivent les numéros 1 à 11 de la liste adoptée par le comité chargé de l'étude de la contrebande.)

ARTICLE 2.

Une puissance pourra ajouter à la liste de contrebande absolue tout article pouvant être employé exclusivement à la guerre, à la condition qu'une notification préalable de cette addition soit adressée aux puissances par la voie diplomatique et qu'elle ne puisse avoir d'effet qu'après un délai de trente jours.

Dans le cas où une cour des prises déciderait que les articles additionnels inscrits à la liste visée à l'alinéa précédent ne sont pas d'un usage exclusif à la guerre, la notification restera valide mais sera traitée comme notification de contrebande conditionnelle.

ARTICLE 3.

Si la destination du navire est un port neutre qui donne accès au territoire ennemi, la contrebande absolue peut être saisie si elle est destinée aux forces armées de l'ennemi.

⁽⁴⁾ [Marginal comment by Mr. Maycock: "I should think so. W. M."]

ARTICLE 4.

La contrebande absolue est sujette à confiscation.

Elle peut donner lieu à la confiscation de toute autre marchandise à bord appartenant au propriétaire de la contrebande, et du navire sur lequel elle est trouvée s'il appartient au propriétaire de la contrebande, ou si le capitaine a résisté à la saisie, ou s'il a connu la nature du chargement prohibé, ou si les papiers sont faux ou [s']il y a d'autres circonstances frauduleuses.

ARTICLE 5.

À la condition d'une notification préalable, par voie diplomatique, qui n'aura d'effet que dans un délai de trente jours, une puissance peut déclarer contrebande en tout ou en partie les objets suivants susceptibles de servir à la guerre compris sous le nom de contrebande conditio[n]nelle :

- (1) combustibles de tout genre.
- (2) matériel et objets pour des installations télégraphiques, téléphoniques, ou pour la construction de voies ferrées.
- (3) vivres.
- (4) monnaie en espèce.

La condition sous laquelle ces articles sont contrebande de guerre est qu'ils sont chargés sur un navire destiné à un port ennemi militaire ou naval, ou à une flotte belligérante.

ARTICLE 6.

La contrebande conditionnelle est sujette à la confiscation.

Elle peut donner lieu à la confiscation de toute autre marchandise à bord appartenant au propriétaire de la contrebande, et du navire sur lequel elle est trouvée, s'il appartient au propriétaire de la contrebande, ou si le capitaine a résisté à la saisie, ou si les papiers sont faux, ou [s']il y a d'autres circonstances frauduleuses.

ARTICLE 7.

Si la cour des prises décide qu'aucune partie de la cargaison d'un navire saisi pour trafic de contrebande de guerre n'est en effet contrebande de guerre, les propriétaires du navire auront droit à des dommages-intérêts, excepté le cas où il est constaté que les papiers sont faux, ou qu'il y a d'autres circonstances frauduleuses.

ARTICLE 8.

Ne seront pas condamnés comme étant de contrebande :—

- (1) La correspondance postale.
- (2) Le coton brut.
- (3) Huile minérale épurée à l'éclairage.
- (4) Explosifs non affectés à la guerre.
- (5) Minerai de fer.

No. 246.

Sir E. Fry to Sir Edward Grey.

F.O. 372/72.

29801/268/07/329.

(No. 181.)

Sir,

Hôtel des Indes, The Hague, D. September 3, 1907.

R. September 5, 1907.

Count Tornielli is very anxious that the question of compulsory arbitration should be settled with the assent of Germany. He considers it politically dangerous that Germany should be isolated when a final vote is taken. At the Conference of 1899

Germany successfully opposed compulsory arbitration, and if on this occasion she failed, resentment would be keen in high official circles in Germany. Count Tornielli is of opinion that the critical condition in Morocco makes it necessary to avoid giving offence to Germany. He has drafted the annexed proposal, which has been accepted by Germany and Austria and is therefore emanating from the Triple Alliance. His Excellency pointed out that this proposal has the advantage of not containing the clause relative to vital interests, independence and honour which have always been felt to detract in a large measure from the value of Treaties of Arbitration. Instead of a negative clause including (?excluding) certain categories of questions from arbitration, it simply aims at the ultimate enumeration of subjects on which the Signatory Powers will bind themselves to go to arbitration.

2. I only received this proposal a few minutes before the meeting of the Committee this afternoon, but it is not in accordance with our instructions, and will scarcely give satisfaction to the Powers, which have voted for a list of Treaties to be included in the Convention. Count Tornielli had shown it to Monsieur Bourgeois, who, he said, was *ébranlé*; but having in this matter cooperated with the French and Portuguese Delegations I consulted them on the new phase into which the question has entered, and found that they both did not consider it possible to accept the Italian proposal of which Count Tornielli gave notice at this afternoon's meeting.

3. It is difficult to account for the hostile attitude of Germany to our proposal which leaves considerable latitude to the Signatory Powers as to the subjects on which they will accept compulsory arbitration, but there can be no doubt that Count Tornielli is actuated by political motives in urging us to accept his proposal. It might have been made earlier, but its origin is probably due to the fear of the Germans that the Conference by a large majority would accept our proposal. The incident illustrates the great difficulty of making any progress.

4. At the meeting of the Committee this afternoon the Austrian proposal—although it was in direct contradiction to the one already voted by a majority—was put to the vote, and was also carried, Germany voting for it; but the majority was smaller than that which our proposal obtained. The First Committee will now have to decide which proposal will have to be referred to the Plenary Conference, and I anticipate that our proposal will be adopted. I shall send shortly a despatch explaining more fully the present unsettled state of this question.

I have, &c.

EDW: FRY.

MINUTES.

See Minute on 29784 Tel. from Sir E. Fry to-day.⁽¹⁾

W. M.
Sep. 5.

This new Italian proposal is already dead. See telegram from Sir E. Fry annexed.

Mr. Crowe has explained privately that it had its origin in German dislike to Compulsory Arbitration; and that Baron Marschall got Count Tornielli to come to Lord Reay (who drafted this despatch) and frightened him with a tale of the political danger of isolating Germany and the grave displeasure of high official circles at Berlin were the British-French-Portuguese proposals accepted by a large majority and Germany left out in the cold!

F. A. C.
5/9.

I do not think there can be much political feeling about it. The Powers who approve of a list of subjects on which they agree to arbitration without reserve will agree to a list. Other Powers can subscribe to it or not as they think fit. The fact is that while we were hesitating about Compulsory Arbitration and a List and examining the matter, it was put about that Germany was the friend of arbitration (Baron Marschall made a great speech at the Conference to produce this effect) and that we were the opponents. Mr. Stead abounded in this sense and from his language to me I suspect that Baron Marschall had used him to produce this impression.

⁽¹⁾ [v. immediately succeeding document.]

Now the position is reversed and Baron Marschall does not like it; but it is his own fault for having posed as the friend of arbitration when his Government were opposed to it and for having (if it was so) been too communicative to Mr. Stead. But I think the storm is confined to the Hague.

E. G.

 No. 247.

Sir E. Fry to Sir Edward Grey.

F.O. 372/72.

29784/268/07/329.

(No. 30.)

Tel. En clair.

The Hague, D. September 5, 1907.

R. September 5, 1907, 11.20 A.M.

My despatch No. 181.⁽¹⁾

Italian Delegate at yesterday's meeting of Committee withdrew his objection to the continuance of the discussion on the British proposals respecting obligatory arbitration. The latter were voted by substantial majorities and the Examining Committee adjourned pending the preparation of its Report to the First Committee of the Conference. Germany's negative votes on all points were throughout supported by Austria Belgium and Greece and in regard to some of the items by a number of other delegations but Italy voted in nearly all cases against Germany. There was no political element whatever apparent in the discussion or the voting.

Detailed report going by bag.

MINUTES

See minute on 29801.⁽¹⁾

F. A. C.
5/9.
E. G.

If the Italian proposal had been put in at an earlier period of the proceedings of the Conference some useful purpose might have been served.

But, although I think its terms far preferable to binding ourselves to a List, we can't well now go back from the standpoint we have taken in deference to pressure brought by France and Portugal, and which moreover has been voted by a substantial majority.

No action is required here. We must wait developments and the further despatch promised in Sir E. Fry's No. 181.⁽¹⁾

W. M.
5 Sept.

⁽¹⁾ [*v. immediately preceding document.*]

No. 248.

Minute by Mr. F. A. Campbell.

[*Attitude of United States in the matter of contraband.*]

F.O. 372/73.

30283/268/07/329.

September 7, 1907.

Captain Ottley arrived here this morning having been sent over to explain the U[nited] S[tates] attitude in the matter of contraband, and to ask you to take certain action.

He said that after our announcement of the desire to abolish contraband altogether Mr. Choate had stated in private conversation that he could not go so far as this, as it might tend to convert G[reat] Britain from mistress of the seas into the tyrant of the seas!

When, however, the matter came before the Comité d'Examen charged with the study of the contraband question, Admiral Sperry, the U[nited] S[tates] Naval Delegate, took the line that it was desirable to have as restricted a list as possible of both absolute and conditional contraband. At a later sitting of the Committee (Aug[ust] 21) he read an important declaration

apparently in the name of the U[nited] S[tates] Delegation (see p. 2 and 3/4 of annexed procès verbal).⁽¹⁾ As this amounted to the practical abolition of conditional contraband, the French pressed him to define his position on the point more clearly, whereupon he announced that in the view of the U[nited] S[tates] Delegation only articles of absolute contraband should be liable to seizure. But since then Admiral Sperry—it is thought at German instigation—has shown some tendency to recede from his previous unqualified statement. (The U[nited] S[tates] and German Delegates, Capt[ain] O[tley] says, sit together and consult each other on every point.)

Our Delegates are most anxious to get the U[nited] S[tates] pinned down to what they have announced, and hope that you will agree to try and get the necessary instructions sent from Washington.

Q[uer]y Telegraph to Mr. Bryce (No. 13, Treaty).⁽²⁾

"The U[nited] S[tates] Naval Delegate announced at the Hague on Aug[ust] 21 before the Committee charged with the study of the question of contraband that in the opinion of the U[nited] S[tates] Delegation trade should be entirely free as regards all articles not comprised in proposed list of absolute contraband. This implies complete abolition of conditional contraband.

"H[is] M[ajesty's] Gov[ernment] have heard of attitude adopted by U[nited] S[tates] Naval Delegate on this question with profound satisfaction. Its effect must be to reduce enormously for neutrals the vexatious restrictions and uncertainties attendant on the exercise by a belligerent of a right to seize articles of primary necessity and of common use.

"H[is] M[ajesty's] Gov[ernment] earnestly trust that the views expressed by Admiral Sperry are fully endorsed by the U[nited] S[tates] Gov[ernment], and that, if necessary, instructions in this sense may be sent to their Delegation."

The above was drawn up in consultation with Captain Otley.

F. A. C.
Sep[tember] 7, 1907.

How could the abolition of contraband convert us into tyrant of the seas? I should have thought it was quite the other way.

E. G.

⁽¹⁾ [Not reproduced. *cp. supra*, pp. 275-8, No. 245, *encl.*, Memorandum by Mr. Hurst.]

⁽²⁾ [Despatched September 9, 3 P.M. (F.O. 372/73. 30283/268/07/329.)]

No. 249.

Sir E. Fry to Sir Edward Grey.

[By Post.]

F.O. 372/73.

30481/268/07/329.

Tel. (No. 32.) En clair.

The Hague, D. September 10, 1907.

R. September 11, 1907.

First Committee to-day passed Prize Court scheme amid manifestations of strong general approval. There were 25 affirmative votes. The Portuguese Delegate was unaccountably absent. He would certainly have voted in favour of the scheme. Turkey and Brazil alone voted negatively. Among the 15 abstentions the only important States were Japan and Russia. Japanese Delegate is confident that he will be able to persuade his Government to come into the agreement, and there is good reason to hope that Russia will also ultimately accept it.

Several of the other Delegates who abstained from voting did so because they were still awaiting instructions of their Governments, and it is expected that some of them at least will vote for the Convention when it comes up before the full Conference.

MINUTES.

This is fully reported in to-day's *Times* and is quite the most satisfactory episode of the whole Conference. Thanks are largely due to Mr. Crowe. There were, in the beginning, two schemes the British and the German as wide apart as the poles. The mutual 'give' and 'take' negotiations between Mr. Crowe and Mr. Kriege resulted in a draft which has now been accepted with acclamation subject to approval by the Plenary Conference. For two Great Powers like

Great Britain and Germany to have come into line over the creation of this tribunal is eminently satisfactory from a political point of view, and no small achievement either.

Tel[egram] to Sir E. Fry.

Your tel[egram] No. 32 of Sep[tember] 10,⁽¹⁾ I heartily congratulate you and all concerned on the success which has attended your efforts in connection with the Prize Court of Appeal.
The Prime Minister.

By post.

W. M.
11 Sept[ember].
F. A. C.
11/9.
E. G.

⁽¹⁾ [Telegram No. 52 despatched by post, September 13. (F.O. 372/73. 30481/268/07/329.)]

No. 250.

Sir Edward Grey to Sir E. Fry.

F.O. 372/73.

29986/268/07/329.

(No. 67.)

Sir,

Foreign Office, September 13, 1907.

I have received Y[our] E[xcellency]'s desp[atch] No. 183 of the 4th Instant,⁽¹⁾ enclosing a summary of the debates which have taken place in the "Comité d'Examen" on the question of compulsory arbitration.

With reference to paragraph 18 of Y[our] E[xcellency]'s desp[atch], I have to inform you that, in agreeing to the list of subjects on which arbitration is to be made unconditional, it should be clearly understood that the expression "tarif de douane" is held by H[is] M[ajesty's] G[overnment] to be confined strictly to tariff matters, and not to include Commercial questions of a general character such as the interpretation of m[ost-f]a[voured-n]a[tion] clauses or questions of wider scope such as would have been covered by heading No. 1 of the Portuguese proposal "Treaties of Commerce and Navigation."

[I am, &c.
E. GREY.]

⁽¹⁾ [Not reproduced as it is technical in character.]

No. 251.

Sir Edward Grey to Sir F. Bertie.

F.O. 372/73.

31334/268/07/329.

(No. 82.) Treaty.

Sir,

Foreign Office, September 17, 1907.

M[onsieur] Cambon asked me to-day whether I had any news from The Hague, and I told him that I heard the Germans had become very sensitive on the subject of Arbitration. They considered that they were being placed in an invidious position, and that the question was assuming a political character.

I remarked that this was really their own fault. If they were in such a position, it was because Baron Marschall had made a great speech on Arbitration, and had created the impression that we were lagging behind, and that the Germans were in advance of us. Now, matters were all the other way.

The Austrians had made a proposal in the nature of a compromise, under which no list was to be drawn up at the Conference, but it should be agreed that the Powers would prepare a list by a fixed date, a year or two hence. I had told Sir Edward Fry that we would be prepared, for the sake of peace, to accept something of this kind, if the French Delegates would also accept it.

[I am, &c.]
E. G[REY].

Sir E. Fry to Sir Edward Grey.

F.O. 372/74.

32489/268/07/329.

(No. 223.) Confidential.

Sir,

The Hague, September 26, 1907.

In my despatch No. 147 of the 17th ultimo,⁽¹⁾ I reported that the First Russian Delegate had received in a friendly manner Mr. Choate's proposals respecting the organization of future peace conferences. In the course of the subsequent communications which passed between the two ambassadors, Monsieur de Nélidow convinced Mr. Choate that the submission to the present conference of any detailed scheme for the arrangement of programmes and the drawing up of rules of procedure by an advisory committee nominated by the nine great Powers would be likely to meet with serious hostile criticism on the part of the smaller States, and it was finally agreed at a meeting of the First Delegates of all the Countries represented at the present conference, which Monsieur de Nélidow had called for the purpose, that Monsieur de Nélidow himself should propose the adoption of a resolution in general terms. This was accordingly done at the plenary meeting on the 21st instant, when the following resolution was moved by the President himself :

“ La Conférence recommande aux Puissances la réunion d'une Troisième Conférence de la Paix qui pourrait avoir lieu dans une période analogue à celle qui s'est écoulée depuis la précédente Conférence à une date à fixer d'un commun accord entre les Puissances, et elle appelle leur attention sur la nécessité de préparer les travaux de cette Troisième Conférence assez longtemps à l'avance pour que ses délibérations se poursuivent avec l'autorité et la rapidité indispensables.

“ Pour atteindre à ce but, la Conférence estime qu'il serait très désirable que, environ deux ans avant l'époque probable de la réunion, un Comité préparatoire fût chargé par les Gouvernements de recueillir les diverses propositions à soumettre à la Conférence, de rechercher les matières susceptibles d'un prochain règlement international et de préparer un programme que les Gouvernements arrêteraient assez tôt pour qu'il pût être sérieusement étudié dans chaque pays. Ce Comité serait, en outre, chargé de proposer un mode d'organisation et de procédure pour la Conférence elle-même.”

2. The resolution having been adopted by acclamation, the First Roumanian Delegate made a declaration, which, owing to the size and bad acoustic qualities of the hall, was only indistinctly heard by the majority of the delegates. I myself was under the impression, and subsequent conversations with several of my foreign colleagues showed that they shared this impression, that Monsieur Beldiman had merely given expression to sentiments of gratitude to the Emperor of Russia for having initiated the peace conferences at The Hague. Together with most of the First Delegates, I thought it right to associate myself with this tribute paid to His Imperial Majesty.

3. When the actual text of Monsieur Beldiman's declaration became known, it was found to contain a wish, expressed in the name of the whole assembly, that as in the past, the Emperor would in future also take the initiative in calling the peace conference together. The following passage gives the exact words employed :

“ S'il s'agit maintenant de recommander à nos Gouvernements la réunion d'une troisième Conférence, cette motion, dans notre pensée, ne saurait préjuger pour l'avenir cette même auguste initiative, que nous désirerions considérer comme acquise, quand le moment en sera venu, et que nous appelons de tous nos vœux.”

(1) [Not reproduced, as its substance is sufficiently indicated.]

4. The Austro-Hungarian First Delegate, who rose immediately after his Roumanian colleague, and was obviously cognisant of the text of his declaration, said, with a significance which has only become apparent since the real meaning of Monsieur Beldiman's intervention has been made manifest :

“ Je tiens donc à déclarer au nom de la Délégation d'Autriche-Hongrie que, en donnant un vote affirmatif sur le vœu qui nous est proposé, nous considérons l'initiative de la Russie comme définitivement acquise en cette matière.”

Monsieur de Meroy like Monsieur Beldiman was only imperfectly heard both by myself and my colleagues.

5. I am afraid there can be no doubt that a deliberate attempt has been made, by a concerted arrangement to which not only Austria-Hungary and Roumania, but Germany and Italy, and probably others, were parties, to recover for the Emperor of Russia, in a measure, the position with regard to these conferences which His Imperial Majesty has assumed up to now, and of which the resolution now passed was certainly meant, indirectly, to deprive him in the general interest of the Powers and of the impartial conduct of these assemblies. It is not improbable that as a result of these proceedings Russia will now claim to have received a mandate for continuing to act as the convener of peace conferences.

6. I have discussed the matter fully with Mr. Choate, who entirely shares the regret and surprise felt by my colleagues and myself at this exhibition of “ smartness.” It would be open to us to make some observations on the subject at the next plenary meeting, when the Minutes of the sitting of September 21 come up for confirmation and approval. It appears to us, however, not advisable to raise the question or to say anything on the subject unless it is broached by others. You will no doubt not desire that we should run the risk, at this moment, when an important political treaty has just been signed between Great Britain and Russia, of an incident arising which might possibly be represented as a discourtesy to the Emperor. I may add that the interposition of a Committee to be appointed by the Powers deprives the initiative of much of the importance which it has hitherto possessed. Should the British Government wish more or less formally to repudiate the idea of their Representatives at The Hague having agreed to leave with His Imperial Majesty the initiative of calling future conferences, we venture to think that this could, if necessary, be more easily done after the close of the present conference, and through the diplomatic channel, than here and now. For these reasons we propose to take no action in the matter unless you give us directions to the contrary.

I have, &c.

EDW : FRY.

MINUTES.

I think we should express approval of Sir E. Fry's intention to take no further action in the matter. As he points out the Resolution adopted to entrust the work of settling a programme—which is all that really matters—to an International Committee removes the danger of a repetition of this year's inconclusive proceedings being repeated by leaving the initiative to the Emperor.

He will give the word, presumably, and then the Powers will agree to appoint the Committee. But it seems a great pity that the Committee should not be restricted to the Great Powers as originally proposed.

F. A. C.

9/10.

We can, when the moment arrives, press for a solution in the above sense.

C. H.

I entirely agree. Some of the delegates at this Conference are ill disposed, all are tired, and they have not as a body either the will or the power to devise a scheme calculated to make a Conference seven years hence effective. We must hope that after a rest of a few years the Great Powers will have a better disposition and be willing to prepare a scheme of procedure and a programme, which they will unite to carry through.

Express approval of Sir E. Fry as proposed.

E. G.

No. 253.

Sir E. Fry to Sir Edward Grey.

F.O. 372/74.

32664/268/07/329.

(No. 229.)

Sir,

*The Hague, D. September 30, 1907.**R. October 1, 1907.*

Referring to my despatch No. 223 of the 26th instant⁽¹⁾ and to the recommendation of the Conference reported therein in relation to a third meeting of the Peace Conference, I think that it may be desirable to recall attention to a more detailed scheme for the convening of that body which was prepared by us as the basis of our negotiations with Monsieur de Nélidow in reference to the draft of which a copy was contained in my despatch of the 1st August No. 119.⁽²⁾ I now enclose a copy of a scheme prepared for a similar purpose by Mr. Choate.

2. As ultimately voted the proposition avoided so far as possible all details, as it was foreseen that they would lead to lengthy discussion: but many of the features of these original schemes are consistent with the vaguer resolution accepted by the Conference and may be useful at least as suggestions.

3. Every day makes more apparent, if possible, the necessity of more definite rules of procedure than are now possessed by the Conference. Such questions as the following ought to receive solution at the hands of the Committee to be appointed: Has the Chairman of a Committee, sub-Committee, or Examining Committee any power or duty to regulate the proceedings and to confine the discussion within any limits? By what majority are the decisions to be governed: by a majority of those voting, a majority of those present and entitled to vote, or by a majority of all the delegations? Are delegations entitled to put to the vote propositions inconsistent with resolutions already come to? Are delegations who have obtained a bare majority in favour of any proposition entitled to have it embodied in successive steps down to and including the final Act as part of the proceedings of the Conference or can they make this claim only in the case of unanimity or an approach to unanimity? I think that the matters suggested in the eighth and ninth paragraphs of the scheme, which I forwarded in my despatch above referred to, are very important and the proper decision of them may make the difference between success and failure in the Third Conference.

4. I have reason to believe that despatches in terms corresponding with this will be sent to their respective Governments by the Ambassadors of the United States and Japan.

I have, &c.

EDW: FRY.

Enclosure in No. 253.

Scheme by Mr. Choate for convening Third Peace Conference.

La Conférence recommande aux Puissances qu'une Troisième Conférence de la Paix soit réunie à La Haye au plus tard en 1914, et que des conférences similaires soient réunies à des intervalles semblables dans l'avenir; que, par anticipation à la réunion de la Troisième Conférence, les Puissances Signataires soient invitées à un échange de vues relativement aux sujets qui devront être compris dans son programme, de façon à ce que ce programme puisse être réglé au moins huit mois avant la réunion de la Conférence, que toutes les propositions à présenter à la Conférence puissent être échangées de même au moins 90 jours avant la réunion, et que les travaux de la Conférence soient restreints à la prise en considération de ces propositions, sauf consentement unanime contraire.

⁽¹⁾ [v. immediately preceding document.]⁽²⁾ [Not reproduced as its tenour is indicated above.]

Qu'un accord soit établi sur un mode de procédure qui assurera à la Conférence l'élection de ses officiers, le contrôle de son organisation et de la conduite de ses travaux à toutes les périodes de ses séances, et le droit à un vote direct sur toute proposition prise en considération.

Que les Puissances Signataires soient requises immédiatement après la conclusion de cette Conférence de prendre tous arrangements pour la nomination d'un Comité Exécutif restreint qui, après consultation avec les Puissances, fixera la date de la Troisième Conférence, réglera le programme après l'échange de vues prévu ci-dessus, et mettra à exécution les projets visés plus haut.

MINUTES.

No doubt some clearly defined mode of procedure is very essential and it seems strange that the need of it has not been discovered till now.

I suppose the matter will be considered by the International Committee which I gather will be convened 2 years before the next Conference, *i.e.*, in 1912, so it doesn't press.

W. M.
Oct. 1.

That Committee will have its work cut out to decide these points, but it will have to be done.

F. A. C.
2/10.

It seems to me that before the next Conference meets the Great Powers will have to recognise the fact that it is quite useless to expect *any* satisfactory results from a Conference at which 46, or perhaps more, States are represented, many of whom have little if any interest in the matters to come under discussion, and yet whose votes count the same as those of the Great Powers. From this point of view the situation at the Hague has been intolerable, and though one may hesitate at the idea of the strong making laws for the weak something will inevitably have to be done if the next Conference is not to prove as abortive as the present.

C. H.

I agree see minute on 32489.⁽³⁾

[E. G.]

⁽³⁾ [*v.* immediately preceding document.]

No. 254.

Mr. Eyre Crowe to Mr. Tyrrell.

Private.⁽¹⁾

My dear Tyrrell,

The Hague, October 11, 1907.

. . . .⁽²⁾ These last few weeks have passed in a state of perpetual flurry and tedious and invariably useless work. Nothing is to come out of all our labours, everything is to be thrown into limbo. It seems a needlessly lengthy funeral of 4 months duration! I have been kept so busy of late that I have been quite unable to keep the F[oreign] O[ffice] "au courant." I only hope, and rather believe, they don't really mind. Nothing really important depends on what goes on here. The interesting thing is the political grouping. Germany, Austria and Italy and their satellites (which curiously enough comprise Greece, Roumania and Belgium) have completely succeeded in wrecking everything in the most open manner. But the most remarkable phenomenon has been the close rapprochement between Germany and Russia on the one hand and Germany and the U[nited] S[tates] on the other. The Russians, whenever there was a divergence between France and Germany, have steadily and ostentatiously taken the German side. The French have realised that they have had no influence whatever over their Russian colleagues. The Americans have, except in the case of obligatory arbitration, also gone with Germany and

⁽¹⁾ [Grey MSS., Vol. 30.]

⁽²⁾ [The first paragraph of this letter is entirely personal.]

against us in every possible way, most markedly in all naval questions, and often obviously in a sense quite opposed to their own interests. The whole conference practically united against us on every question of naval warfare, except as regards our proposal to abolish contraband, which was accepted by a majority but which that majority subsequently declined to stick to. Many of the smaller Powers notably Sweden Norway and Denmark, clearly intimated that even where their interests seemed to demand their going with us, they dare not do anything that might expose them to the ill-will of Germany. As for Italy, she made reparation for Algeciras by supporting the triple alliance partners through thick and thin. Portugal and Spain steadily held with us all the time, and Japan supported us whenever she could. The dominating influence in the conference clearly has been *fear* of Germany. The latter has followed her traditional course: cajoling and bullying in turn, always actively intriguing. Marschall is the embodiment of this double faced spirit of intrigue. He seems to me cunning and false to a degree, very plausible, very determined, a most dangerous person, deep in all newspaper manipulation. He has here a regular press bureau installed in his hotel. Even Saunders of the Times is not proof against his tricks. He *certainly* works several English newspapers from here (Tribune, through Stead occasionally). I do hope that we may never have Marschall as German Ambassador in London. He would play the very devil there. It is his ambition. Could not some means be found of letting it be known in Berlin that, after Marschall's attitude at The Hague, it would not be thought desirable to have him in London? If some hint were given in time (? through Bülow, who hates him, when he comes to England, or even before) the danger might be averted. Once he were officially proposed it would be difficult to refuse to receive him.

I must close, as the messenger is waiting to take the bag. Only one word: If the present position of Germany allows her to take up the domineering attitude she assumes here, what will be her bearing when with the further support of Russia and perhaps with our connivance, she gains a more complete hegemony in Europe and the world? One shudders to think of what would then become of British interests.

Yours ever,
E. A. C[ROWE].

MINUTES.

I think Sir Edward should see this interesting letter from Crowe.⁽³⁾

W. T.

It is an interesting letter which I think Sir E. Grey should see.

The explanation of the opposition of so many Powers to us in naval matters is obvious and it was no doubt the restriction of our supremacy at sea that the Germans had as their chief aim at the Conference. B[ar]on Marschall has however rather over-reached himself, in spite of all his cleverness, and the rôle which Germany has played is a very poor one. Crowe will have a fine opportunity for dealing with it when he draws up the despatch upon the labours of the Conference.

C. H.

It is an interesting letter and should be kept for reference.

E. G.

⁽³⁾ [A paragraph is here omitted. It is of personal interest only.]

No. 255.

Sir E. Fry to Sir Edward Grey.

F.O. 372/75.

34141/268/07/329.

(No. 246.)

Sir,

The Hague, D. October 12, 1907.

R. October 15, 1907.

The First Committee of the Conference concluded its labours yesterday. After it had disposed of the prize convention, and the general revision of the convention

of 1899, three subjects remained which still engaged its attention: the scheme for the establishment of a new Court of Arbitral Justice; the resolution brought forward by the United States respecting the employment of force in the collection of contractual debts due to individuals by a foreign State; and the proposed Convention for compulsory arbitration. I propose to address you separately on the two former subjects.

2. The draft convention respecting compulsory arbitration emerged from the Examining Committee (A) in the shape of the fourteen articles of which I enclosed a copy in my despatch No. 183 of the 4th ultimo (29986).⁽¹⁾ A reference to pages 80 and 109 of Baron Guillaume's report will show that whilst he embodied the first of those articles in the revised text of the Convention of 1899, he presented the remainder to the First Committee as a separate scheme, preserving however the original numbering (16a-16n) by which all these articles had been outwardly attached to article 16 of the old Convention. For convenience of reference, I attach a copy of the thirteen articles so numbered, together with the protocol annexed to article 16e.⁽²⁾

3. I reported in my despatch No. 243 of the 10th instant⁽³⁾ that articles 16a and 16b affirming the general principle of compulsory arbitration on questions of law, subject to certain reservations, were adopted by a substantial majority (thirty-one against five, with four abstentions). The remainder of the articles were discussed and voted upon at the sixth seventh and eighth meetings of the Committee, of which I have the honour to transmit the printed minutes herewith.⁽²⁾ In accordance with the suggestion made by the President, Monsieur Bourgeois, it was decided, on reaching article 16d, to include provisionally in the list therein set up those subjects which were acceptable to the absolute majority of the Committee. This resulted in the establishment of the following list:

- (1.) Assistance gratuite des malades indigents.
- (2.) Protection ouvrière internationale.
- (3.) Moyens de prévenir les collisions en mer.
- (4.) Poids et mesures.
- (5.) Jaugeage des Navires.
- (6.) Salaires et successions des marins décédés.
- (7.) Réclamations pécuniaires du chef de dommages lorsque le principe de l'indemnité est reconnu par les parties.
- (8.) Protection des œuvres littéraires et artistiques.

4. No vote was taken on any other items of the larger lists presented by several of the delegations. I had intended, should the question of including in the Convention the interpretation and application of customs tariffs arise, to enter a reservation as to most-favoured-nation clauses, in order to give effect to the instruction contained in your despatch No. 67 of the 13th instant.⁽¹⁾ The opportunity for such a reservation not having occurred, it may be convenient, in case the question should arise again after the termination of the Conference, that I should here state the exact terms in which, after careful consideration, we had proposed to formulate our view. The text of my intended declaration was as follows:—

“ Pour ce qui concerne les tarifs de douane, la délégation britannique tient à déclarer qu'elle accepte l'arbitrage sans réserve en tant qu'il s'agit d'un tarif dont l'application dans l'espèce est admise par les parties, mais non pas s'il s'agit de la question de savoir quel est le tarif à appliquer.”

5. The difficulty which article 16f was designed to meet has already been fully explained in my previous despatches. I would refer more especially to paragraphs 7-9 of my despatch No. 183 already referred to. As I there pointed out, there were, on the part of a not inconsiderable number of delegates, serious objections to the substitution of this article for the more narrowly restricted clause previously adopted on the recommendation of Monsieur Fusinato's sub-committee. Private communica-

(1) [Not reproduced as it is technical in character.]

(2) [Not reproduced.]

(3) [Not reproduced as its substance is sufficiently indicated.]

tions which passed between several of the more important delegations interested, made it clear that it would be practically impossible to agree upon a provision that should be acceptable to all parties. At the same time it was strongly urged upon us that the view expressed in article 16f was so obviously right and reasonable that its purport might be taken to be self-understood, and it was suggested that if we consented on our part to strike out the article, the partisans of the stricter limitation of the scope of obligatory arbitration would on their part refrain from pressing their view, and would be willing to leave the point undefined, on the understanding that each party reserved to itself the right to put upon the Convention the interpretation which it considered correct. We agreed to this course, after due reflection but in order to leave no doubt as to the view which we thought it important to vindicate on behalf of the British Government, we decided, with the concurrence of those delegations, notably the French, United States and Portuguese, with whom we have acted in close co-operation in this matter, to enter a formal reservation making clear our own standpoint. When, accordingly, the article was formally withdrawn with the consent of the Committee, I read the following declaration :

“ En votant les articles 16d et 16e, la délégation britannique entend que les sentences arbitrales, en tant qu’elles se rapportent aux questions rentrant dans la compétence de la justice nationale, n’auront qu’une valeur interprétative, sans aucun effet rétroactif sur les décisions judiciaires antérieures.”

6. Those delegates who have throughout most strongly combated the whole principle of an obligatory arbitration treaty, were somewhat taken aback on finding that a question on which they had firmly counted upon seeing the adherents of obligatory arbitration hopelessly divided, was apparently going to be settled to every one’s satisfaction. Baron Marschall did not disguise his ill-humour, and his faithful ally, the delegate of Roumania, perhaps the most actively hostile critic of the scheme, having so far voted against it and every part of it with the greatest persistence, now thought it incumbent upon himself to propose, as an amendment to the Convention (which he was determined in no case to accept) the reintroduction of the restriction embodied in the original proposal of Monsieur Fusinato’s sub-committee. The amendment was however, after a somewhat acrimonious debate, negatived by twenty-three votes against eight, with twelve abstentions.

7. As was expected, a further discussion arose with reference to article 16k, as to the effect which the reservation of “ constitutional rights ” of individual States with regard to the conclusion of the “ compromis ” might have on the binding nature of the engagement to accept arbitration. The attitude of the United States Senate on this question was again made the subject of severe criticism which in turn provoked a somewhat sharp retort on the part of the United States legal delegate, Mr. Scott. The article was finally voted without alteration.

8. Determined and general opposition was made to Article 16e, which withdraws from the scope of obligatory arbitration all questions of extra-territorial rights. In the Examining Committee it had been accepted without remark, the Chinese delegate being present, and although the text of the clause had been before the Conference for many weeks, no objections had been raised to it either in that or any other quarter. But some days before the meeting of the First Committee we were informed that the influences which have been so markedly hostile to us, had been brought to bear on the Turkish, Chinese, Persian, and Siamese delegations to whom the clause had been represented—so the Persian delegate himself informed us—as a deliberate “ box on the ear ” administered by Great Britain to the Oriental States. At private interviews which took place with some of our Chinese, Siamese, and Persian colleagues, we fully exposed the absurdity of this allegation, and showed how unreasonable it was to demand that questions admittedly of such magnitude as the exercise of extra-territorial rights should be included in the purview of compulsory arbitration at a time when the first modest steps were being taken to

establish the principle of such arbitration and when all countries were equally determined to begin the experiment only with matters of comparatively trifling importance. We urged that the express reservation of extra-territorial rights was clearly necessary and that those rights might easily become involved in even the most trifling subjects included in the list of matters in regard to which we were about to accept the obligation of unconditional reference to arbitration. We were under the impression that our arguments had been found convincing, however unpalatable, and the evening before the meeting of the Committee, the Persian and Siamese delegates themselves suggested a slight modification of wording which they declared would meet their objections, and to which we readily agreed. Next morning, however, immediately before the Committee met, they withdrew from the understanding, having apparently found that they would meet with general support in their opposition to the article. Besides ourselves, only France voted for it. The attitude of the delegations of the other Countries having important interests in the East may perhaps be explained by the desire to pose as the friends of the "equality" of all nations, not untinged perhaps by the pleasure of opposing a British proposal. On the result of the vote being announced I put the following declaration:—

“L'article 16l ayant été supprimé, la délégation britannique doit réserver à son Gouvernement le droit de se soustraire à l'obligation du recours à l'arbitrage dans tous les cas où il s'agit de l'interprétation ou de l'application de droits extra-territoriaux.”

9. From the text of article 16n, as brought before the Committee, the stipulations contained in its original wording (as article 13 of the draft enclosed in my despatch No. 183—See § 13 of that despatch) respecting the power to specify in the ratification the particular States with whom each Signatory Power desires to contract, has been omitted. It appears that this stipulation had been inserted with a view to conciliate Germany who has laid stress on the importance of such a means of restricting the application of the treaty. Since all hope of obtaining Germany's assent to any arrangement whatever involving obligatory arbitration has had to be abandoned, the United States' delegates who were the authors of the clause, saw no utility in maintaining it in face of much opposition.

10. A final vote on the whole of the draft convention, as now modified by the omission of articles 16f and 16l, showed that thirty-one representatives were in favour of it. Nine voted against it, namely

Germany.	Montenegro.
Austria-Hungary.	Roumania.
Belgium.	Switzerland.
Bulgaria.	Turkey.
Greece.	

Italy, Japan, and Luxemburg abstained. The Nicaraguan delegate was not present.

11. A few remarks may not be out of place on the significance of these votes. Germany has of course, as I have from time to time had the honour to report, been the persistent opponent of all obligatory arbitration, although her attitude has not always been made so unequivocally clear as a more straightforward policy would have prescribed. The attitude of Austria and Roumania can only be described as more German than that of the Germans. Turkey has never voted otherwise than in support of Germany. The Greek Representative has confidentially informed a member of our delegation that so long as Roumania refuses to accept arbitration, Greece must do the same. I doubt however whether this is a sufficient explanation. We have observed that in all naval questions, Greece invariably, even where her interests as a weak neutral would have seemed rightly to lead her to our side, has

voted with Germany and against us, and in this case the explanation offered was that the delegates themselves were strongly in favour of supporting us, but that the categorical instructions of their Government were to support Germany.⁽⁴⁾ Bulgaria may have been influenced by mixed motives of the same character. I have already referred to the Belgian hostility to arbitration as probably due primarily to King Leopold's irritation at the recent default of Venezuela in refusing to give effect to the award of an Arbitration Court. Switzerland may or may not be susceptible to German influence and pressure in this matter.⁽⁵⁾ But it is also possible to suppose, and there is some evidence pointing in that direction, that the first Swiss Delegate, Monsieur Carlin, who is not free from personal vanity, has been somewhat disappointed because a proposal of his own, which he hoped to see generally adopted, met with no practical success, and that his preference for his own scheme induced him to see hopeless objections in every other. The vote of Montenegro is most instructive. Montenegro is "represented" by Russia. In other words the Russian delegate uses the Montenegrin vote as a rule to duplicate his own. In this case he has divided his two votes impartially. On what grounds Montenegro, if pressed, would justify her refusal to accept arbitration, when Russia who "represents" her, favours it, it is impossible to surmise. But Russia, a great stickler, as it is, for the principle of unanimity has by their own manœuvre practically cancelled her own affirmative vote. Among the abstentions, that of Italy and especially that of Luxemburg, signify the reluctance of those Powers even where their own predilections and interests point the other way, to appear in direct opposition to Germany.

12. The draft convention having failed to obtain the unanimous approval of the Committee, Monsieur de Martens, in the name of the Russian delegation, came forward with a suggestion for a compromise. His proposal, of which I have the honour to enclose a copy,⁽¹⁾ was to confine to a separate and "additional" Convention the main stipulations of the draft scheme as accepted by a majority of the Committee, and to insert in the revised general Convention (which is to replace that of 1899) an article declaring that the Contracting Powers have set out in the Additional Convention those matters which according to the free choice of the several Governments, may be taken into consideration as suitable subjects for obligatory arbitration. I expressed the readiness of the British delegation to accept this proposal, which seemed to my colleagues and me an ingenious and practical one. The French equally declared in its favour. The United States however objected because in the Russian proposal the first two Articles of their own draft Convention (16a and 16b) containing the general engagement to submit to arbitration in questions of law not involving the honour, vital interests, etc., of States, found no place except in the form of recitals. Baron von Marschall, who was apparently intensely astonished at the fact of a compromise being offered by Russia, and who showed such irritation as to create the apprehension of a scene, announced the determination of the German delegation to accept no such compromise and went so far as to declare that he did not believe that the proposal was one that could be described as brought forward in a spirit of conciliation at all. After this outburst, no one was surprised when on a vote having been taken and the same numbers, approximately, having been declared to constitute the irreconcilable minority, Monsieur de Martens withdrew his proposal.

13. At this stage, the First Austro-Hungarian delegate brought forward the resolution which he had already introduced in the Examining Committee (copy enclosed). I have, in § 15 of my despatch No. 183, explained how those Powers who have agreed upon a list of subjects on which they accept unconditional arbitration, cannot without stultifying themselves, vote in favour of a resolution declaring the preparation of such a list to be impossible without further consideration. The majority

⁽⁴⁾ [Marginal comment by Sir C. Hardinge: "This is a very interesting point to know. C. H."]

⁽⁵⁾ [Marginal comment by Mr. F. A. Campbell: "From all we hear she certainly is. F. A. C."]

of the delegates who had supported the clauses of the draft Convention, took this view and voted against the Austro-Hungarian resolution, but a certain number, notably Italy and the Netherlands, voted for it. The same "impasse" was thus reached by the First Committee as that in which the Examining Committee had previously landed itself.

14. In private consultations between the French, United States, Portuguese and British delegations, it had been agreed that on this emergency arising or threatening, the French should make a final endeavour to win the unanimous assent of the Committee to a compromise by which it was sought to combine the main features of the draft Convention with an arrangement favouring the views of those who were unwilling, for the present, to go beyond an engagement to consider the ways and means of giving effect to the principle of obligatory arbitration. I have the honour to annex hereto a copy of this scheme of compromise, as drafted by Monsieur Renault.⁽⁶⁾ It consists of seven articles, of which the first two are identical with articles 16a and 16b of the rejected draft Convention whilst the third introduces only a slight difference of wording into article 16c. Article 16d, containing the list of subjects on which obligatory arbitration is accepted, disappears. There remains article 16e, establishing the protocol; and a new article—(5)—is added, providing, in words which are taken almost textually from the Austro-Hungarian resolution, for the selection of fresh subjects (in addition to those appearing in the protocol) by such Powers as may desire time for further consideration. Articles 6 and 7, finally, contain the provisions which were originally consigned to the draft protocol, and which are now brought into the treaty itself.

15. Unfortunately the turn which the debate in committee took, made it useless even to propose this compromise. The attitude of the German and Austro-Hungarian delegates and their followers was so unbending that there was evidently no prospect of reaching an agreement that would have given practical shape to the principle of obligatory arbitration in any form whatsoever, and Monsieur Bourgeois accordingly decided to accept the situation rather than to prolong a discussion which was perhaps near becoming dangerously heated. Mr. Choate made an impassioned speech vindicating the right of the large majority of the Committee to carry their scheme at least as far as the plenary Conference, and suggested that it would then be better for the latter to decide whether the draft Convention, although not unanimously accepted, should not be set up as part of the proceedings to be recorded under the Final Act. This suggestion provoked a lively exchange of views on the thorny subject of the necessity of unanimity at diplomatic conferences, to which I have already referred in my despatch No. 231 of the 2nd instant,⁽⁶⁾ and to which I propose to recur in a further report. In the end, Count Tornielli, the First Italian Delegate came forward with the text of a resolution which he proposed for adoption by the committee, merely recording that the principle of obligatory arbitration had been unanimously approved, and declaring, in the abstract, certain differences as to the interpretation and application of conventional stipulations to be suitable matters for such arbitration. It was agreed to adjourn the meeting pending an agreement as to the precise wording of the resolution to be adopted. The Chairman having assembled a small sub-committee for this purpose, including myself, the text which I beg to transmit herewith⁽¹⁾ was agreed upon. The United States delegate refused to attend this sub-committee and subsequently declared his inability to accept a resolution which he regarded as an abandonment of the position gained by the decisive majority vote of the Committee. I pointed out to Mr. Choate that the resolution as worded did no more than state the facts of the actual situation and that nothing more could be done if it was decided to accept that situation, however unsatisfactory. As he agreed to abstain from bringing before the Conference itself either the draft Convention for compulsory arbitration, or the claim of a majority to have its resolutions inserted in the Final Act it seemed to me that his opposition on the point of form could serve no useful purpose. My arguments, although strongly reinforced by Monsieur Bourgeois did not shake Mr. Choate's

(6) [Not reproduced.]

determination, but he agreed to content himself with abstaining from voting instead of actually opposing the resolution. He at the same time declared most emphatically that he would in no way object to our recording our vote in favour of it.

16. When accordingly the Committee reassembled on the 11th instant, and the Chairman had put the resolution forward, Mr. Choate read a declaration explaining the grounds on which he must refuse his assent. With no negative vote, but with the abstention of the United States and Japan, the resolution was thereupon carried, Mr. Choate immediately afterwards joined in the chorus of general approval and appreciation of the manner in which Monsieur Bourgeois had conducted the deliberations of the Committee, and in some happily chosen words succeeded in wiping out any traces of ill-humour which might have lingered behind. Both he and Monsieur Bourgeois himself grew very eloquent on the great progress made in the cause of arbitration, by the proceedings of the Committee but it is of course quite clear that so far as obligatory arbitration is concerned the efforts of those who have from the outset persistently opposed it with more or less openness, have signally succeeded for the present. For this result you will no doubt have been prepared.⁽⁷⁾ As I had the honour to explain in my telegram No. 27 of August 18th⁽⁸⁾ last and in my despatch No. 151 of the 20th of that month,⁽⁹⁾ the prospects of any treaty of obligatory arbitration in specific cases being accepted by the Conference were always very slight. Monsieur Bourgeois hopes however that the thirty-one Powers who have signified their readiness to sign a Convention in the terms agreed upon, will before long find the means and the opportunity of carrying their intention into effect.

I have, &c.

EDW: FRY.

MINUTES.

An interesting despatch as illustrating how the position changes hour by hour, how near they were to a quarrel, and how firmly opposed Germany is to anything in the shape of obligatory arbitration.

It calls for no action. We were quite prepared for the dénouement.

W. M.

15 Oct[obe]r.

The remarks on the voting at different stages of the Compulsory Arbitration scheme are worth reading.

F. A. C.

16/10.

This despatch is well worth reading and brings out very clearly the fear instilled by Germany in some of the minor Powers of any opposition to her views on their part. Every effort has apparently been made to arrive at a compromise but absolutely without result. At the same time no intrigue seems to have been too mean to resort to for the sake of defeating the arbitration proposal. The rôle of Germany and her satellites is not to be envied.

C. H.

E. G.

Seen by W. E. D.

Oct. 18, 1907.

G. H. B. K.

21/10/1907.

I am much obliged for the opportunity of reading Sir E. Fry's despatch of Oct[obe]r 12, 1907.

LOREBURN.

(7) [Marginal comment by Mr. Maycock: "Fully. W. M."]

(8) [Not reproduced. *cp. supra*, p. 272, No. 242, and *note* (1).]

(9) [*v. supra*, pp. 272-3, No. 243.]

V.—THE AFTERMATH OF THE CONFERENCE.

No. 256.

Sir E. Fry to Sir Edward Grey.⁽¹⁾

F.O. 372/75.

34358/268/07/329.

(No. 255.)

*The Hague, D. October 16, 1907.**R. October 17, 1907.*

Sir,

Now that the Second Peace Conference is at last approaching its end, we venture to lay before you some observations on the results of the meeting.

These results are less than might have been hoped for, but are perhaps as great as could reasonably be expected when all the circumstances are considered. The great volume of most important subjects laid before the Conference under the terms of reference, the large number of the nations represented, the necessary divergence of views and of interests on many questions, the chaotic character of the procedure of the Commissions, and sub-Commissions of the Conference, and we may add the evident wish of some of the Great Powers that the results of the Conference should be as small as possible—all these and other things—have stood in the way of the accomplishment of many of the objects which might have been desired.

In your original instructions to us of the 12th June you stated that His Majesty's Government were anxious to secure the adaptation of the machinery of the existing Tribunal at The Hague for the purposes of an International Tribunal of Appeal from the decisions of belligerent Prize Courts affecting neutrals and you added that His Majesty's Government considered that if the Hague Conference accomplished no other object than the constitution of such a tribunal it would render an inestimable service to civilization and mankind. It is therefore a subject of satisfaction, and we hope of legitimate satisfaction, to us that we have been able to accomplish the task thus laid upon us—not indeed in the form of an adaptation of the machinery of the existing Court, but in the form of a new institution: and we may perhaps be permitted to add that this Convention appears to us to be a very noteworthy step in the history of law as the first attempt to constitute a really international Court and as the first device to produce uniformity in any branch of international law. The report of Monsieur Renault on the subject of this new Court is a document of great interest.

In addition to the constitution of a Prize Tribunal, the Conference has subjected the systems of International Enquiry and of the Permanent Court of Arbitration under the Convention of 1899 to a complete revision and has amongst other amendments, introduced a summary procedure adapted to the speedy settlement of small cases. The principal object in view in many of the amendments has been to provide beforehand an optional system of procedure in enquiries and arbitrations, thus obviating the necessity of framing rules of procedure in each case either by the protocols or by the Commission or the Arbitral Court.

Two other projects of great interest in connection with International Arbitration were laid before the First Commission of the Conference—one for the establishment of a new Court of Arbitral Justice and the other for compulsory arbitration in certain cases. Both these projects were debated at great length and in great detail, but both failed of reaching embodiment in the form of complete conventions. We cannot but hope that the difficulties which we have been unable to overcome may hereafter be surmounted and that our labour as pioneers may in the end not prove entirely fruitless.

On the questions of Contraband and the seizure of private property at sea, the propositions of Great Britain and of the United States of America respectively have

⁽¹⁾ [Printed in *A. & P.*, (1908), CXXIV, (Cd. 3857), pp. 603-5. For omission *v. infra*, p. 297, note ⁽⁵⁾.]

each received a majority of votes, but in neither case will the resolutions be embodied in a convention under the agency of the Conference. The willingness of a large number of Powers to join in the entire abolition of Contraband and of America to abolish conditional Contraband will we hope be fruitful of diplomatic results in the near future.

The discussions on the subject of automatic mines have been, as you are aware, protracted and have resulted in only a very partial adoption of the British proposals. The fact that the interests of Great Britain as the greatest naval Power have coincided with the interests of neutrals and the duties of humanity⁽²⁾ has probably stood in our way in some quarters. We hope that one result of the debates may be to awaken public attention to the gravity of the danger which is threatened by the use of mines.

The Conventions with regard to floating mines, balloons, bullets and gases afford illustrations of the duty laid on diplomacy by the moral sense of mankind by (? of) checking the application in practice of the discoveries of science and thus of asserting the supremacy of the moral over the intellectual part of human nature.

The Labours of the Conference on the subjects of the declaration of war, the application of the Geneva Convention to naval warfare, bombardment of undefended places, the treatment of crews of captured enemy merchant ships, the immunity of fishing-boats and mail bags, the rights and duties of neutrals, the transformation of ships of commerce into ships of war, the days of grace, blockade and the destruction of neutral prizes, will we trust not prove without good results.

A very important step taken by the Conference is embodied in the resolution of the 21st September which makes certain provisions with a view to a third meeting of a Peace Conference.

I hope shortly to present to you a more detailed summary of the results of the labours of the Conference than is possible for us at the present moment.

The actual results of the Conference will be embodied in thirteen Conventions, one Declaration, one draft Convention and eight resolutions.

There yet remain a few observations to be made of a more general character.

In the first place it must be admitted that one result of the Conference has been to bring into very definite contrast the views entertained by Great Britain and by certain other Powers on many questions of International law and we earnestly hope that by means of a naval Conference or otherwise some of these differences may be arranged before the new International Court of Prizes is called upon to act.⁽³⁾

In the next place the machinery of this Conference has proved in a high degree dilatory and confusing: the rights of individual delegates to waste the time of the Conference, the rights of the majority over a minority in the absence of unanimity, the power of a Chairman to confine the discussions within due limits—these and many other questions demand solution before another meeting of the Conference can prove satisfactory.

The claim of many of the smaller States to equality as regards not only their independence but their share in all International institutions,—waived by most of them in the case of the Prize Court but successfully asserted in the case of the proposed new Arbitral Court—is one which may produce great difficulties and may perhaps drive the greater Powers to act in many cases by themselves.

Though necessarily often, from time to time, standing in opposition to some of our colleagues of other nations, our personal relations with them have throughout been friendly and in many cases cordial.

In conclusion we have great satisfaction in placing on record our high appreciation of the diligence, care and ability with which the duties of Secretary and of legal Councillor to the Delegation have been discharged by Mr. Eyre Crowe

(2) [Marginal comments by Mr. Maycock and Lord Ripon: "Germany might take this as a hit at her if pub[lished]." [W. M.] "But it is true. R."]

(3) [Marginal comment by Mr. Maycock: "A most essential pre-requisite which will assuredly be strongly urged in Parl[iamen]t. W. M."]

and Mr. C. J. B. Hurst respectively. The amount of work which has devolved upon these gentlemen has been far greater than could have been anticipated and we are deeply indebted to them for the invaluable assistance which they have throughout rendered to us with unflagging zeal.

We desire also to bring to your notice the services of the Honourable Charles Tufton and of Mr. Joseph Addison to whom were intrusted the care of the archives of the Delegation and the preparation of documents in the French language. The unremitting and punctual performance by these gentlemen of the duties which fell to their share is worthy of all praise.

I have, &c.

EDW: FRY.

MINUTES.

As Sir E. Fry was given the Rank of Ambassador and his Colleagues were His Majesty's Plenipotentiaries it would seem proper to prepare a despatch to Sir E. Fry expressing His Majesty's approval of their services and His recognition of the difficulties they had to encounter owing to the multifarious and conflicting interests of the large number of states represented at The Conference. Sir E. Fry has already paid tribute to the assistance he received from the Naval and Military Delegates and these Despatches have been referred to the Admiralty and War Office.

The services of Mr. Crowe, Mr. Hurst, Mr. Tufton and Mr. Addison might be referred to in the same manner as was done in 1899 (see paper annexed).⁽⁴⁾ (Some slight verbal omissions seem desirable on political grounds if it is decided eventually to publish this despatch.)

Prepare draft for submission to the King.

W. M.

16 Oct[obe]r.

The words underlined on p. 1 w[oul]d of course come out.⁽⁵⁾

F. A. C.

17/10.

C. H.

In this case we should lay stress not on the success of the labours of the Conference, but upon the efforts of the delegates to make it successful.

E. G.

⁽⁴⁾ [Not reproduced.]

⁽⁵⁾ [*v. supra*, p. 295. The words were omitted in *A. & P.*]

No. 257.

Sir E. Fry to Sir Edward Grey.

F.O. 372/75.

34545/268/07/329.

(No. 257.)

Sir,

Hôtel des Indes, The Hague, D. October 18, 1907.

R. October 19, 1907.

Monsieur Bourgeois called upon me last night in order to discuss the position in which the question of obligatory arbitration had been left by the declaration adopted by the Conference which stands recorded in the Final Act.⁽¹⁾ His Excellency expressed the sincere hope that those Powers which had voted in the majority in favour of the draft convention, would, after the close of the Conference, give practical effect to their view by concluding among themselves a convention in the terms which their Delegates had approved.

2. I expressed my personal opinion that His Majesty's Government would no doubt give their most favourable consideration to any proposals in this sense which the French Government might bring forward. I agreed with Monsieur Bourgeois that Germany and Austria-Hungary and the other Powers which had opposed the draft convention could hardly raise objections to its conclusion unconnected with the time

⁽¹⁾ [Printed in *A. & P.* (1908), CXXIV, (*Cd.* 4175), pp. 769-920.]

and meeting place of the Conference, although it is not impossible that political pressure might be brought to bear on some of the smaller European States which voted with us to abandon the whole scheme. The position of Italy might also be one of some difficulty.

3. Monsieur Bourgeois was particularly anxious that any communications which might pass between our respective Government [*sic*] on this subject should in the first instance be exchanged through His Majesty's Embassy in Paris (and not through the French Ambassador in London whom he considers to be very luke-warm in the cause of obligatory arbitration, and therefore not unlikely to make difficulties. I promised to convey this to you confidentially.)

4. I subsequently saw Mr. Choate, whose opinion Monsieur Bourgeois was also anxious to obtain. I found Mr. Choate, as I had expected, very desirous to proceed with the draft convention so far as it followed the lines of the original United States proposal. But his opinion is that it is the clauses dealing with the list of matters to be referred to arbitration unconditionally which are responsible for most of the opposition, and it has been clear from the outset that his Government is not much enamoured of these provisions. He accordingly favours the plan of cutting out those clauses and of concluding a treaty in the terms of the remaining articles. I have only informed Monsieur Bourgeois of the result of my communication with Mr. Choate, and told him I must leave the matter now in his hands.

I have, &c.

EDW: FRY.

MINUTES.

The position in which this question is left is explained by the declaration at foot of p. 13 of final Act (in 34543) *q.v.** It is not in the shape of a Convention adopted by the Conference nor is it included in those which are alluded to in the final act.

Unless and until the French Gov[ernment] make any definite proposal to us—through whatever channel it comes—I think the Country may very well rest content with the agreement (in general terms) which we have *already* with France, for submitting to arbitration any question involving the interpretation of treaties so long as they do not affect our vital interests, independence, or honour and do not concern the interests of 3^d parties.

We have already got these arbitration agreements with France, Italy, Spain, Germany, Sweden, Norway, Switzerland, Portugal, Austria, Holland, and Denmark, and I venture to think they serve all practical requirements. We should have one with the United States on the same lines only their Senate wouldn't allow the Executive a free hand in making the *Compromis* so it fell through.

At any rate, I apprehend, we can wait till we are approached and that no initiative on our part is necessary or expedient.

W. M.

* This is being printed at once, and will be submitted as soon as in type.

F. A. C.

In view of German and Austrian opposition and the probable attitude of Italy and the U[nited] S[tates] I see very little good in pursuing Obligatory Arbitration further, unless for the sake of public opinion in this country.

F. A. C.

20/10.

It would be best to let it be understood* that there is a model form of convention for arbitration, which can be signed by those Powers, who agree to it, but we can wait to see if M. Bourgeois urges anything upon the French Gov[ernment].

E. G.

* I think this will be attained by the Pub[licatio]n in the B[lu]e B[ook](¹) of the final act, the Declaration in which shows how the matter stands.

W. M.

23 Oct.

E. G.

(¹) [Printed in *A. & P.* (1908), CXXIV, (*Cd.* 4175), pp. 769-920.]

Memorandum by Lord Reay.⁽¹⁾

Confidential.

The Conference which is now about to close has thrown some light on the relations of the various Powers which it may be useful to place on record.

Germany could rely on the active co-operation of Austria and of Roumania. It could also rely on the friendly attitude of Italy and on the fear of both France and Italy to isolate Germany. The smaller Continental Powers were afraid of giving offence to Germany. One of the objects of Germany was to reduce to a minimum the positive results as regards additions to or alterations of existing rules of International Law. It must be admitted that the conditions were favourable to ensure this result. Germany was evidently anxious to conciliate the United States of America and to prevent the combined action of Great Britain, the United States and France. As regards arbitration they were not successful and the United States deliberately declined to accept the German ultimatum on obligatory arbitration.

But in the questions connected with War on land and at sea the United States in many cases supported the Germans. The representatives of the United States were clearly of opinion that in case of war their situation would be different from ours and that therefore they had to allow as few alterations as possible in the existing International Law. Their object was much the same as that of the Germans and without any concerted action—as far as we could judge—they found themselves in the same lobby.

German diplomatic methods and American diplomatic methods were very different. The Germans constantly proclaimed their adhesion to lofty humanitarian principles, but whenever it was a case of applying them—as in mines and balloons—they maintained that the exigencies of war would prove too strong to give effect to any Convention limiting the use of engines of destruction. They wanted a free hand and other Powers—in view of a possible conflict—were not prepared to abandon the use of weapons which Germany stated it would use. The Americans did not mention their intentions but made reservations which also give them a free hand. It is safe to draw the conclusion that the result of the attitude of Germany at the Conference will be to give an impulse to the manufacture of balloons and mines and instead of encouraging disarmament the Conference has certainly increased the existing feeling on the Continent of Europe that no Power can afford to neglect its means of offence and defence.

The strongest guarantee of peace is the knowledge that all are prepared for war and that in case of war the issue depends on the relative strength of the Armies and Navies which are engaged. The Conference has not given any new guarantees for the maintenance of peace and has confirmed the fact that the great Powers are constantly preparing for war.

Italy betrayed a constant sense of fear of any question arising which might bring Germany and France into sharp antagonism. Count Tornielli's main object was to find conciliatory resolutions and to avoid votes indicating the line of cleavage. Monsieur Bourgeois usually adopted the same course under the influence of fear that Germany might thwart France in Morocco. This consideration made it impossible for us to rely on France even when France was prepared to agree with us as was the case with regard to war on land, not maritime law.

The attitude of Russia was mainly directed to obtain from the Conference a bill of indemnity for its conduct on questions of International Law—such as destruction of neutral prizes, transformation of merchant ships into men-of-war and the stay of belligerent ships in neutral harbours—in the recent war with Japan. As long as this purpose could be attained they were prepared to make concessions on other points to us. Under the influence of the recent Treaty they professed to

⁽¹⁾ [Grey MSS., Vol. 30. The memorandum is undated, but the covering letter from Lord Reay is of October 22, 1907.]

be anxious to co-operate with us, but they were also influenced by Germany and afraid of incurring the displeasure of Germany and they wish to have a free hand in case of war. The relations between France and Russia were less cordial, and the French delegates were surprised to see the friendly attitude of Russia towards Germany. The French resent the loss of much capital lent to Russia and the Russians are well aware of the internal weakness of France.

Japan, Spain and Portugal maintained throughout a very friendly attitude towards us but Japan also wants to have a free hand in case of war and naturally distrusts Russia after its experience during the recent war. Our relations with the Chinese were friendly, but the Chinese distrust the Japanese and do not want to accept their lead. At first, when Mr. Foster was here, they were inclined to act with the Americans but after Mr. Foster's departure they assumed a more independent attitude.

The novel feature of the Conference was the presence of the South American Republics. They were quite prepared to support us in our endeavours to amend International Law. But it is quite clear that this support is no compensation for the divergent views of the United States and of the great Powers. A majority mainly composed of the votes of the South American Republics has no weight. The Conference is not the proper body to draw up a code of rules binding on all Powers. It is therefore most essential that between this Conference and the next the Maritime Powers should come to an agreement on the questions of Maritime Law such as Contraband and Blockade which this Conference has been unable to settle. If after careful consideration an agreement can be arrived at there is no doubt that other Powers will accept it.

The Conference has been useful in revealing the various currents of opinion. It has disclosed a considerable want of unanimity on very important issues. It has not given a greater sense of security, but rather the reverse and outsiders are dissatisfied with the scanty harvest. But in most cases we have been able to defeat proposals which would have been injurious to us and we have been able to carry proposals which we considered opportune. Our supremacy at sea exposes us to great risks of a coalition being formed against us. This was evident in the general opposition against our definition of the auxiliary ship but ultimately several Powers admitted that we were fully justified in our definition.

No. 259.

Sir Edward Grey to Sir E. Fry.

F.O. 372/75.

34358/268/07/329.

(No. 84.)

Sir,

Foreign Office, October 29, 1907.

I have received and laid before the King Your Excellency's Despatch No. 255 of the 16th instant⁽¹⁾ in which you review the results of the labours of the 2nd Peace Conference which has sat for the past four months at The Hague.

If, as you observe the net results of this Conference fall short of what H[is] M[ajesty's] G[overnment] had hoped, at the time of its initiation, might have been achieved, they nevertheless fully recognize the difficulties which you have had to encounter owing to the multifarious and conflicting interests of the many States represented, and to other causes to which you allude, and they are satisfied that both Your Excellency and your Co-Plenipotentiaries have done all that lay in Your Power to attain the objects which were indicated in your instructions. H[is] M[ajesty's] G[overnment] especially share the satisfaction you feel at having obtained the

(1) [*v. supra*, pp. 295-7, No. 256.]

recognition, in principle, of the need of an International Court of Appeal in Prize Matters. They are aware that many difficulties, both as regards the municipal legislation of this and other Countries, and more especially in connection with the law which the Court itself shall administer, remain to be overcome before the provisions of the Convention creating this Court can become effective; but the foundation stone has, at least, been laid of a tribunal which, in time, may prove of inestimable value in the settlement of a class of disputes which have frequently proved a serious source of friction among nations.

I have therefore now the pleasure of conveying to you and your Colleagues the King's approval of your services.

The various Conventions and other instruments which are annexed to the Final act of the Conference will be carefully considered by H[is] M[ajesty's] G[overnment], between now and the 30th of June next, the period during which they remain open for signature, and instructions will be furnished to you, in due course, as to signing all or a portion of them, with or without reservations.⁽²⁾

Your Excellency has already, in previous despatches, paid tribute to the valuable assistance rendered by the Naval and Military technical Delegates, and I have not failed to bring their services to the notice of the Lords of the Admiralty and the Army Council.

I have also received with much satisfaction the high testimony which you bear to the efficient aid rendered to you by Mr. Eyre Crowe, Mr. Hurst, Mr. Tufton and Mr. Addison of this Office.

[I am, &c.]
E. G[REY].

MINUTE BY KING EDWARD.

App[rove]d.—E.R.

⁽²⁾ [*v. infra*, pp. 303-4, No. 261.]

No. 260.

Count de Salis to Sir Edward Grey.

F.O. 372/75.

41046/268/07/329.

(No. 91.) Treaty.

Sir,

Berlin, D. December 13, 1907.

R. December 16, 1907.

I have the honour to transmit, herewith, two copies of a White Book⁽¹⁾ which has been presented to the Reichstag by the German Government on the subject of the Second Peace Conference. The White Book consists of a Memorandum to which are attached as enclosures the texts in French and German of the Programme of the Conference, the Final Act, the fourteen Agreements and the Draft Convention for establishing a Court of Arbitration. The Memorandum begins by giving a short summary of the origin and work of the Conference and concludes this summary with the following reference to the resolution in regard to the reduction of armaments:—
“The new resolution, which was accepted unanimously by the Conference without further discussion, is in accordance with the position which Germany has taken up in the matter from the first. The Imperial Government, who had already carefully examined this difficult problem before the Conference, can only desire that the question should form the subject of further careful consideration by all the Powers concerned. When the time comes, the Imperial Government will not fail to weigh carefully and

⁽¹⁾ [Not reproduced.]

conscientiously the practical results of such consideration by the other Powers in connection with the results of their own examination of the question."

The Memorandum then cites and explains seriatim the provisions of each of the agreements with regard to compulsory arbitration. The Memorandum states (§ 5) that the German Delegates could unhesitatingly agree to the Declaration in favour of compulsory arbitration as Germany has already concluded treaties to that effect with Great Britain and the United States and arbitration clauses are included in the new Commercial Treaties. The Imperial Government intend to continue this system of special Treaties so far as is in accordance with German interests; the objections which can be raised to a universal arbitration treaty are not equally cogent in the case of arbitration treaties between two States when a more precise notion of the effect of the treaty can be formed.

With regard to the Convention relating to the laws and customs of land warfare, the Memorandum remarks (p. 7) that Article 44 of the rules of war, forbidding belligerents to compel the natives of an occupied territory to give them information, will presumably give several great Powers, among others Germany, reason to make a reservation on the ground that it specially mentions an individual case among those already covered by the principle of Article 23, paragraph 2, a course which is undesirable.

With regard to the Convention on the treatment of enemies' merchant vessels at the outbreak of hostilities, the memorandum expresses the opinion (p. 9) that the provisions of Article 3 and Article 4, paragraph 2, do not give an equal advantage to all nations; they can only be of use to such nations as have ports in different parts of the world where they can intern the captured vessels; on account of this inequality of effect the German Delegates registered a reservation with regard to these two Articles.

In the Convention regarding the rights and duties of Neutrals, the Memorandum suggests (p. 16) that a reservation should be made with regard to Article 11, which gives a Neutral the power to allow a belligerent ship the use of a pilot, as this provision might lead to an actual breach of neutrality in certain circumstances.

The Declaration regarding the prohibition of throwing projectiles and explosives from balloons is stated (p. 17) to have been agreed to by Germany at the Conference under the condition that all the great military Powers should do the same; as several have not done so, Germany is unable to adhere to it.

The memorandum concludes as follows (p. 17):—

"The Conventions cited above were signed by the Representatives of the majority of the Powers at the close of the Conference under date of October 18, 1907. As the Plenipotentiaries of other Great Powers did not immediately sign the Conventions, the German Plenipotentiaries likewise refrained from doing so. But Germany is absolutely ready to sign immediately all the Conventions, with the exception of the Declaration about air-ships, making at the same time the few reservations mentioned above. According to the provisions of the Final Act this signature will be considered as having been made on the day of the close of the Conference.

"Finally in the Final Act the Conference recommended the Powers to convene a third Peace Conference after an interval similar to that which has passed since the First Conference. So far as can at present be seen, Germany will be gladly ready to follow this suggestion."

I have, &c.

J. DE SALIS.

MINUTES.

This is less complete than our Blue Book now in preparation as there are no instructions to the German Delegates, and no Reports of the Various Commissions which we propose to publish in an Appendix.

On the other hand certain explanations are given in the Memo[randum] as to the German attitude. Germany, it declares, will sign all the Conventions—except that relating to the discharge of projectiles etc. from air-ships—with a few reserves.

As regards reduction of armaments she will gladly consider the matter of the discussion of the question by others, but this statement of course commits her to nothing, and is only inserted, I imagine, *pro formâ*.

F. A. C.
16/12.
C. H.
E. G.

The penultimate paragraph of the "summary" is not very accurately translated in the despatch No. 91. Treaty—though its substance is sufficiently given.

W. E. D.
18 :xii :07.

No. 261.

Sir Edward Grey to Sir E. Fry.

F.O. 18723/1787/08/329.⁽¹⁾

(No. 1.) Treaty.

Sir,

Foreign Office, June 18, 1908.

H[is] M[ajesty's] G[overnmen]t have had under their attentive consideration the various conventions, and the Declaration respecting the discharge of projectiles, etc., from balloons which were annexed to the Final Act of the Second Peace Conference held at The Hague last year.

As Your Excellency is aware, the period within which these instruments (with the exception of the Convention relating to the creation of an International Prize Court) must be signed by the Plenipotentiaries expires on the 30th instant.

I have accordingly to request you to be so good as to proceed to The Hague at a date which may suit your convenience towards the end of the present month, and in conjunction with your colleagues,⁽²⁾ to each of whom a copy of this despatch will be furnished, to carry out the following directions.

You are jointly authorized to sign the under-mentioned instruments without reservation.

1. The Convention for the Pacific Settlement of International disputes.
2. The Convention respecting the limitation of the employment of force for the recovery of Contract debts.
3. The Convention relative to the opening of hostilities.
4. The Convention respecting the laws and Customs of War on Land.
5. The Convention relative to the status of enemy merchant vessels at the outbreak of hostilities.
6. The Convention relative to the conversion of merchant vessels into Ships of War.
7. The Convention relative to certain restrictions on the exercise of the right of Capture in Maritime War.
8. The Declaration prohibiting the discharge of Projectiles and Explosives from Balloons.

You are authorized to sign the Convention respecting the rights and duties of neutral Powers and Persons in war on land with reservations as to articles 16, 17 and 18, and also to sign the Convention for the adaptation of the principles of the Geneva Convention of 1906 to maritime warfare with reservations as to Articles 6 and 21.

⁽¹⁾ [Printed in *A. & P.* (1908), CXXIV, (Cd. 4174), pp. 766-7.]

⁽²⁾ [Marginal comment by Mr. Maycock: "We know they have arranged to be there to sign on the 29th. W. M."]

In signing the Convention relative to the laying of automatic Submarine Contact mines you will attach to your signatures a declaration in the following terms :—

“In affixing their signatures to the above Convention the British Plenipotentiaries declare that the mere fact that this Convention does not prohibit a particular act or proceeding, must not be held to debar His Brit[annic] Majesty’s Government from contesting its legitimacy.”

This declaration is, in effect, a reiteration of the statement made by Sir Ernest Satow in the concluding portion of his speech at the 8th Plenary meeting of the Conference.

You are authorized to sign the Convention respecting Bombardments by Naval Forces in time of war, subject to the reservation of the second paragraph of article 1, as made by you at the 4th plenary meeting of the Conference.

You are authorized to sign the Convention relating to the rights and duties of neutral Powers in maritime war with a reservation as regards articles 19 and 23.

The Convention for the creation of an International Court of appeal in Prize matters is still engaging the consideration of H[is] M[ajesty’s] G[overnment]. The time within which this Convention may be signed does not, as Y[our] E[xcellency] is aware, expire for another year and in these circ[umstance]s you should abstain from signing it on the present occasion.

You should furnish to this Dep[artmen]t, in due course, an account of your expenses in proceeding to and from The Hague, and you will be reimbursed in the amount thereof.

[I am, &c.]
E. G[REY].

No. 262.

Sir E. Fry to Sir Edward Grey.

F.O. 22566/1787/08/329.⁽¹⁾

(No. 1.) Treaty.

Sir,

The Hague, D. June 29, 1908.

R. June 30, 1908.

In accordance with the instructions conveyed to us in your despatch No. 1 Treaty of the 18th instant,⁽²⁾ I have the honour to inform you that the Plenipotentiaries of His Majesty’s Government at the Second Peace Conference met to-day at the Hague and proceeded to the Ministry for Foreign Affairs in order to sign the various Conventions and the Declaration annexed to the Final Act of the Conference.

The following Conventions and Declaration were signed without any reservations :—

The Convention for the pacific settlement of international disputes.

The Convention respecting the limitation of the employment of force for the recovery of contract debts.

The Convention relative to the opening of hostilities.

The Convention respecting the laws and customs of war on land.

The Convention relative to the status of enemy merchant vessels at the outbreak of hostilities.

The Convention relative to the conversion of merchant vessels into ships of war.

The Convention relative to certain restrictions on the exercise of the right of capture in maritime war.

The Declaration prohibiting the discharge of projectiles and explosives from balloons.

⁽¹⁾ [Printed in *A. & P.* (1908), CXXIV, (Cd. 4174), p. 767.]

⁽²⁾ [*v.* immediately preceding document.]

The Convention respecting the rights and duties of neutral Powers and persons in war on land was signed with a reservation as to Articles 16, 17 and 18.

Reservations were made as to Articles 6 and 21 of the Convention for the adaptation of the principles of the Geneva Convention of 1906 to maritime warfare, to which also we attached the following declaration:—

“En apposant leurs signatures à cette Convention les Plénipotentiaires Britanniques déclarent que le Gouvernement de Sa Majesté entend que l'application de l'article 12 se borne au seul cas des combattants recueillis pendant ou après un combat naval auquel ils auront pris part.”

The following declaration was likewise attached above our signatures to the Convention relative to the laying of automatic submarine contact mines:—

“En apposant leurs signatures à cette Convention les Plénipotentiaires Britanniques déclarent que le simple fait que la dite Convention ne défend pas tel acte ou tel procédé ne doit pas être considéré comme privant le Gouvernement de Sa Majesté Britannique du droit de contester la légalité du dit acte ou procédé.”

Finally the Convention respecting bombardments by naval forces in time of war was signed with a reservation of the second paragraph of Article 1, and the Convention relating to the rights and duties of neutral Powers in maritime war with a reservation as regards Articles 19 and 23.

The Convention for the creation of an International Court of Appeal in prize matters was the only instrument attached to the Final Act of the Second Peace Conference which in accordance with our instructions we abstained from signing altogether.

I have, &c.

EDW: FRY.

[ED. NOTE.—The following extracts from the private journal of Sir Ernest Satow throw some light on The Hague Conference of 1907:—

June 3, 1907. Conference at F[oreign] O[ffice] presided over by Sir Ed[ward] Grey to discuss our instructions, in which Sir E[dward] F[ry] and I obtained some modifications. The Cabinet has decided not to abandon the right of capturing belligerents' ships and cargoes, but do not desire to shut the door completely. He is to draft our instructions on this point and submit them to the Cabinet. Also the instructions about the limitation of armaments are to be drafted after he has seen Choate who is now in London.

[June] 10. Postponed discussion of our instructions at F[oreign] O[ffice] difficulties presented themselves in connexion with the proposed appeal to the international court from the prize courts of belligerents. Afterwards the three delegates and Sir E. Grey had a conversation with Prof. Renault, and we told him the main points in our instructions. The Fr[ench] delegates are instructed to maintain the right of capture at sea of belligerent ships and cargoes.

[June] 16. Ottley is very strong against our recommending Sir E[dward] Grey to entertain the Italian idea of sequestrating belligerent ships and cargoes instead of confiscating them, lest after having with great difficulty got the Cabinet to reject the proposals of the Lord Chancellor we should ourselves seem to be weakening on this point. Stead the newspaper man has got hold of Tornielli's c[onv]er[sation].

CHAPTER LXVI.

THE LONDON NAVAL CONFERENCE, 1908-9.

[*ED. NOTE.*—The documents in this chapter supplement those published in *A. & P.* (1909), LIV, (*Cd.* 4554 and 4555), pp. 305-827. *cf.* *Weissbuch über die Ergebnisse der in London abgehaltenen Seekriegsrechts-Konferenz* and *Weissbuch mit Erläuterungen zu den Ergebnissen der in London abgehaltenen Seekriegsrechts-Konferenz* (Berlin 1909); *Conférence Navale de Londres, 1908-1909* (Paris 1909); and Baron M. A. Taube: *La Politique Russe d'avant-guerre*, ch. 7, (Paris 1928).]

No. 263.

Sir Edward Grey to His Majesty's Representatives at Paris, Berlin, St. Petersburg, Rome, Vienna, Madrid, Washington, and Tôkiô.⁽¹⁾

F.O. 372/118.

5885/2453/08/329.

(Treaty.)

Sir,

Foreign Office, February 27, 1908.

The draft convention for the establishment of an International Court of Appeal in matters of prize which formed Annex 12 to the Final Act of the Second Peace Conference has been under the consideration of His Majesty's Government.

2. Article 7 of the convention provides that, in the absence of treaty stipulations applicable to the case, the Court is to decide the appeals that come before it, in accordance with the rules of international law, or if no generally recognized rules exist, in accordance with the general principles of justice and equity.

3. The discussions which took place at The Hague during the recent conference showed that on various questions connected with maritime war divergent views and practices prevailed among the nations of the world. Upon some of these subjects an agreement was reached, but on others it was not found possible, within the period for which the conference assembled, to arrive at an understanding. The impression was gained that the establishment of the International Prize Court would not meet with general acceptance so long as vagueness and uncertainty exist as to the principles which the Court, in dealing with appeals brought before it, would apply to questions of far-reaching importance affecting naval policy and practice.

4. His Majesty's Government therefore propose that another conference should assemble during the autumn of the present year, with the object of arriving at an agreement as to what are the generally recognized principles of international law, within the meaning of paragraph 2 of Article 7 of the draft convention, as to those matters wherein the practice of nations has varied, and of then formulating the rules which, in the absence of special treaty provisions applicable to a particular case, the Court should observe in dealing with appeals brought before it for decision.

5. The rules by which appeals from national Prize Courts would be decided affect the rights of belligerents in a manner which is far more serious to the principal naval Powers than to others, and His Majesty's Government are therefore communicating only with the Governments of Austria-Hungary, France, Germany, Italy, Japan, Russia, Spain, and the United States of America. They would propose that the Conference should assemble in October and, if it is agreeable to the Governments of those countries, they would suggest that it should meet in London.

6. The questions upon which His Majesty's Government consider it to be of the greatest importance that an understanding should be reached are those as to which

(1) [Printed in *A. & P.* (1909), LIV, (*Cd.* 4554), pp. 309-10, but reproduced on account of its importance. The Memoranda sent by the Powers invited to the Conference are printed in *A. & P.* (1909), LIV, (*Cd.* 4555), pp. 435-90. An Inter-Departmental Committee was appointed to prepare for the Conference (F.O. 372/118, 2453/2453/08/329), and held 53 meetings between January 28 and December 3, 1908. The members of the Committee, whose Chairman was Lord Desart, were those afterwards appointed as British representatives on the London Naval Conference (*v. infra*, p. 344. *Ed. note*, and No. 297).]

divergent rules and principles have been enforced in the Prize Courts of different nations. It is therefore suggested that the following questions should constitute the programme of the conference:—

- (a.) Contraband, including the circumstances under which particular articles can be considered as contraband; the penalties for their carriage; the immunity of a ship from search when under convoy; and the rules with regard to compensation where vessels have been seized but have been found in fact only to be carrying innocent cargo;
- (b.) Blockade, including the questions as to the locality where seizure can be effected, and the notice that is necessary before a ship can be seized;
- (c.) The doctrine of continuous voyage in respect both of contraband and of blockade;
- (d.) The legality of the destruction of neutral vessels prior to their condemnation by a Prize Court;
- (e.) The rules as to neutral ships or persons rendering "unneutral service" ("assistance hostile");
- (f.) The legality of the conversion of a merchant-vessel into a war-ship on the high seas;
- (g.) The rules as to the transfer of merchant-vessels from a belligerent to a neutral flag during or in contemplation of hostilities;
- (h.) The question whether the nationality or the domicile of the owner should be adopted as the dominant factor in deciding whether property is enemy property.

7. His Majesty's Government are deeply sensible of the great advantage which would arise from the establishment of an International Prize Court, but in view of the serious divergences that the discussion at The Hague brought to light as to many of the above topics after an agreement had practically been reached on the proposals for the creation of such a Court, it would be difficult, if not impossible, for His Majesty's Government to carry the legislation necessary to give effect to the convention unless they could assure both Houses of the British Parliament that some more definite understanding had been reached as to the rules by which the new tribunal should be governed.

8. If the programme outlined above is concurred in by the Government to which you are accredited, it would be convenient if, on some subsequent date, as for instance the 1st August, the Governments were to interchange memoranda setting out concisely what they regard as the correct rule of international law on each of the above points, together with the authorities on which that view is based. This course would greatly facilitate the work of the Conference, and materially shorten its labours.

9. I have to request Your Excellency to address a communication in this sense to the Minister for Foreign Affairs, expressing at the same time the hope that if his Government are favourable to the idea of the Conference being held, they will send a Delegate furnished with full powers to negotiate and conclude an Agreement.

[I am, &c.

E. GREY.]

No. 264.

Sir H. Howard to Sir Edward Grey.

F.O. 372/118.

8990/2453/08/329.

(No. 54.) Confidential.

Sir,

Having received a message from Monsieur van Swinderen that there was a matter which he would be glad to talk over with me, I called upon him this afternoon.

[21704]

The Hague, D. March 13, 1908.

R. March 16, 1908.

His Excellency said that he had received from Baron Gericke a copy of the Circular sent to British Representatives accredited to the States which His Majesty's Government proposed to invite to the Conference to be held in London in connection with the Convention for the establishment of an International Prize Court concluded by the Delegates to the Second Peace Conference.

In that Circular it was stated that His Majesty's Government proposed to invite the "principal Naval Powers," namely, Austria-Hungary, France, Germany, Italy, Japan, Russia, the United States of America, and Spain.

He was more than sorry that the Netherlands had been excluded from this invitation, and especially as Spain, with no navy to speak of, had been invited. The Netherlands had, he might say, always been considered as a Naval Power of some prominence. This was likewise shown at the Second Peace Conference, when, in the distribution of the Judges for the proposed Prize Court, the Netherlands was accorded more Judges, who are to sit in the rota, than any other country except Spain, and he might add that the situation of the Dutch Colonies in the Far East was likewise of considerable maritime importance, as it was in that quarter of the globe where complications are very likely to arise.

He was most anxious that the Netherlands should be invited to the Conference, and although he did not claim it as a right, he nevertheless thought that, in the circumstances, the desire of his Government to be invited was worthy of the consideration of His Majesty's Government.

He had instructed Baron Gericke to approach you on this subject, but he wished to inform me of his feelings in regard to the same, and that I should acquaint you how greatly the Netherland Government would appreciate an invitation to the Conference being extended to them.

In reply, I informed His Excellency that I had no official information on the subject of the Conference in question, but that I would not fail to convey his message to you.

I have, &c.

HENRY HOWARD.

No. 265.

Sir Edward Grey to Sir H. Howard.

F.O. 372/118.

8990/2453/08/329.

(No. 5.) Treaty.

Sir,

Foreign Office, March 23, 1908.

With reference to your despatch No. 54 of the 13th instant,⁽¹⁾ I inclose for your information a copy of a Memo[*randum*]⁽²⁾ which the Netherland Min[*ister*] left with me on the 12th instant respecting the desire of his Gov[*ernment*] to be invited to the Conference on International Maritime Law proposed to be held in London next autumn.

In my immediately succeeding despatch of this Series I am informing you of a conversation I had with Baron Gericke on the subject to-day.

[I am, &c.

E. GREY.]

⁽¹⁾ [*v.* immediately preceding document.]

⁽²⁾ [Not reproduced.]

Sir Edward Grey to Sir H. Howard.

F.O. 372/118.

10277/2453/08/329.

(No. 6.) Treaty.

Sir,

Foreign Office, March 23, 1908.

With reference to my immediately preceding despatch, of this Series of even date, I told the Dutch Minister to-day that I must ask him not to press the request of his Government to be included in the Maritime Conference which was to meet in the autumn.

I should have liked very much to give a favourable answer to the Dutch Government, and was really very sorry not to be able to do so. But if the Dutch Government did join the Conference, other countries, such as Sweden, Norway, Denmark, and so forth, would certainly put forward claims to be represented too, and we should be placed in the invidious position of having to refuse their requests and give offence to them. It might be that the Conference was already rather too large, but that was all the more reason for not enlarging it further.

The Dutch Minister explained the three reasons why his Government considered they should be invited:—

1. The Hague had been the seat of two Conferences.
2. Their mercantile marine was as large as that of Spain.
3. Their Navy at the present moment was even larger and stronger.

I said I felt that the fact of The Hague being the seat of these Conferences did give the Dutch Government a certain claim. But I did not think that other Powers would agree that it was one which ought to prevail against them. They might even urge that, if the fact of the International Conferences sitting at The Hague gave the Dutch Government a privileged position afterwards, then the Conferences should not always meet at the same place.

As to the point of the size of the mercantile marine, I explained that our object in summoning this Conference was to make sure that we could join the Prize Court Convention without subjecting our Navy, when it was belligerent, to undue restrictions. What we desired was to have an agreement with the great naval Powers which would safeguard a large Navy like ours from being unduly limited and crippled in its action in time of war. This was, therefore, a Conference rather for possible belligerents with large Navies than for neutrals with a mercantile marine. Indeed, large as our mercantile marine was, I thought that if we had had only our mercantile marine and no Navy we should not have been anxious for this Conference at all. As far as the interests of neutral mercantile shipping were concerned, any International Prize Court, however imperfect, was likely to be better than the Prize Court of a belligerent, and, therefore, an improvement upon the present state of things.

As to the comparison he had drawn between the Dutch and Spanish Navies, of course he was no doubt right at the present time. But Spain had always, hitherto, ranked as one of the Great Powers. To have excluded her now because she had lately lost her Fleet would have been a very painful humiliation; it would also have seemed like an assumption that she did not intend to repair her losses and build another Navy.

The Dutch Minister said he understood the difficulties of the position. He would report to his Government what I had said as to the difficulty in which we should be placed if we acceded to their request, and my wish that they should not press it. That he considered to be the main point. He would also add the other considerations to which I had referred.

[I am, &c.]
E. G[REY].

No. 267.

Sir Edward Grey to Sir A. Herbert.

F.O. 372/118.
11562/2453/08/329.
(No. 5.) Treaty.

Sir,

Foreign Office, April 9, 1908.

The Norwegian Chargé d'Affaires, in an interview with Sir C. Hardinge on the 2nd inst[ant], stated that his Gov[ernmen]t had noticed an allusion in the King's Speech on the opening of Parliament to the Naval Conference to be held at London next Autumn, and hoped that they would be invited to send delegates, in view of the importance of the Norwegian Mercantile Marine.

Sir C. Hardinge explained to M. Irgens the reasons which had actuated H[is] M[ajesty's] G[overnment] in limiting the participants in the Conference to the Great Powers, and informed him that they must adhere to their decision not to extend the list of invitations issued, which decision had already been communicated to other Powers who had claimed admittance to the Conference.

M. Irgens asked whether it would be possible during the sitting of the Conference to inform other Powers of the *course* of the negotiations, or even to consult those who had serious interests at stake, and was informed that it was premature to discuss such questions, which might present many difficulties.

[I am, &c.
E. GREY.]

MINUTE.

The Norwegians might be told sooner or later that if any other Gov[ernmen]t had been invited it should have been the Dutch who have a Mercantile Marine and a sort of special claim to recognition in return for their courtesy at the Hague, but that this could not be.

E. G.

No. 268.

Sir Edward Grey to Lord Acton.

F.O. 372/118.
13226/2453/08/329.
(No. 9.) Treaty.

My Lord,

Foreign Office, April 16, 1908.

With reference to my desp[atch] No. 6, Treaty, of the 23rd ult[imo],⁽¹⁾ the Netherland Minister called upon Lord Fitzmaurice and Sir F. Campbell on the 9th Instant and stated that his Gov[ernmen]t were very disappointed at the refusal of H[is] M[ajesty's] G[overnment] to invite them to participate in the forthcoming Maritime Conference which is to meet in London in the autumn, and that they regarded it as somewhat in the nature of a slight upon them. He stated that he had been instructed by his Gov[ernmen]t to endeavour to obtain a reconsideration of the question, and, in addition to the arguments which he had already advanced, he urged (1) that H[er] M[ajesty] the Queen of the Netherlands took a strong personal interest in the matter, and (2) that the Netherlands were more likely to become a belligerent Power than Spain. It was generally recognized in the latter country, he contended, that Spain could not possibly go to war on account of the danger in which the monarchy would be involved were she to be engaged in hostilities, whatever their result might be. In reply to this further represent[atio]n, Sir F. Campbell, on the 14th Instant, by my directions, informed Baron Gericke as follows:—

The object of the Conference is to enable H[is] M[ajesty's] G[overnment] to come to some agreement with the Great Naval Powers as to the limits of the restrictions which are to be placed upon the action of fleets in time of war. Without

(¹) [*v. supra*, p. 309, No. 266.]

such an Agreement with the Great Naval Powers, H[is] M[ajesty's] G[overnment] cannot pass the necessary legislation to enable the International Prize Court Convention to be ratified by the King. In consequence, probably, of the application made by the Netherlands, other Powers, such as Norway and Sweden, have also applied to join the Conference: and their example would no doubt be followed by South American States, such as Brazil and the Argentine Republic. The size and scope of the Conference would thus be indefinitely widened and it would become another Hague Conference. It is clear, from the argument based by the Netherland Government upon the inclusion of Spain (see my despatch No. 5, Treaty, of the 23rd ult[imo]),⁽²⁾ that the Conference is already extended to the point where it is exceedingly difficult to draw the line between the Powers who are and those who are not to attend it, and to extend it further will make it still more difficult to draw the line.

H[is] M[ajesty's] G[overnment] are most reluctant to adopt any course which would give offence to any Power. They have asked for this Conference in no exclusive spirit, but simply with the desire to be enabled to ratify the International Prize Court Convention. If it is impossible for them to pursue this object without giving offence, they would prefer to abandon the idea of a Conference in London, and to attend a larger Conference to be summoned at The Hague, and regarded as an offshoot of The Hague Conference.

H[is] M[ajesty's] G[overnment] feel, however, that such a course would occupy more time and prevent concentration upon the particular points the settlement of which they regard as vital to giving their final assent to the International Prize Court Convention, and it would therefore imperil the prospect of their being able to recommend its ratification by the King.

[I am, &c.
E. GREY.]

(²) [*v. supra*, p. 308, No. 265.]

No. 269.

Sir Edward Grey to Mr. Bryce.

F.O. 372/118.
14790/2453/08/329.
(No. 13.) Treaty.
Sir,

Foreign Office, April 28, 1908.

Mr. Whitelaw Reid told me to-day that the United States' Government accepted our invitation to the Naval Conference in the autumn. Their Representative would probably be Admiral Stockton, who had some time ago been Naval Attaché in London.

Mr. Whitelaw Reid also told me that his Government had heard that the Dutch would like to be admitted to the Conference. They sympathized with the Dutch desire, because the Dutch had once had a great navy, and because they provided the meeting-place for the Peace Conference.

I said that I also sympathised with the Dutch desire. But Holland could not be admitted without offending Norway, Sweden, Denmark, and Belgium. If minor European Powers were to be admitted, I assumed that Brazil and the Argentine, at least, would also claim to be admitted: and I had thought that it might be difficult for the United States to refuse to support a claim for the larger South American Powers to be admitted to a Conference of which minor European countries were members.

Mr. Whitelaw Reid said that the United States' Government would not press the request of the Dutch. Indeed, he felt he ought to apologise for mentioning it, as the Conference was really meeting at our invitation, and it was not the business of his Government to say who should be invited.

I told him we did not wish to give offence to any one, and if there was a general desire that the Conference should be larger we should be prepared to abandon our proposal for a small Conference in London, and to attend a larger Conference at The Hague. But, in such a case, it might be difficult to concentrate on the points necessary to secure the ratification of the Prize Court Convention.

[I am, &c.]
E. G[REY].

No. 270.

Sir F. Lascelles to Sir Edward Grey.

F.O. 372/118.

16027/2453/08/329.

(No. 44.) Treaty.

Sir,

Berlin, D. May 7, 1908.

R. May 11, 1908.

With reference to your Circular Despatch, of this series, of the 27th of February last,⁽¹⁾ I have the honour to transmit herewith copy and translation of a note from Herr Stemrich, stating that the Imperial Government are willing to take part in the proposed Conference for the regulation of certain questions connected with the rules of maritime warfare, and that they agree to the programme, date, and place of the Conference.

Herr Stemrich presumes that any of the Powers attending the Conference would be at liberty to bring up for discussion any subject connected with the questions to be raised, although not actually referred to in the Programme, and he suggests that it would be advisable, in place of a preliminary exchange of views in writing on the correct rule of international law on the various points to be dealt with, that the various Powers should formulate any proposals they might wish to make for modifying the existing law with regard to the various heads of the British programme, and that these proposals should be handed to the other participatory Powers by the date proposed by the British Government.

I have, &c.

FRANK C. LASCELLES.

Enclosure in No. 270.

Herr Stemrich to Sir F. Lascelles.⁽²⁾

Berlin, den 6 Mai 1908.

Der Unterzeichnete beehrt sich Seiner Exzellenz dem Königlich Grossbritannischen Botschafter, Sir Frank C. Lascelles auf das Schreiben vom 6. März d.J. mitzuteilen, dass die Kaiserliche Regierung gern bereit ist, an der von der Königlich Grossbritannischen Regierung vorgeschlagenen Konferenz zur Regelung wichtiger Fragen des Seekriegsrechts teilzunehmen. Auch stimmt sie den Vorschlägen der Königlich Grossbritannischen Regierung über das Programm sowie über Zeit und Ort der Konferenz zu; sie nimmt dabei an, dass es jeder der beteiligten Regierungen frei steht, auch solche Gegenstände in den Bereich der Beratungen zu ziehen, die zwar in dem Programm nicht eigens vorgesehen sind, aber mit den darin aufgeführten Fragen in unmittelbaren Zusammenhang stehen.

In der weiteren Anregung der Königlich Grossbritannischen Regierung wegen einer schriftlichen Vorbereitung der Konferenz erblickt die Kaiserliche Regierung an sich einen glücklichen Gedanken. Sie glaubt indes, dass diese Vorbereitung nicht in einem Meinungs austausch über das geltende Völkerrecht bestehen sollte, da eine solche Arbeit längere Zeit beanspruchen und daher die Abhaltung der Konferenz zu

⁽¹⁾ [v. *supra*, pp. 306-7, No. 263.]

⁽²⁾ [The translation is omitted.]

der in Aussicht genommenen Zeit in Frage stellen könnte; auch besorgt sie nach den Erfahrungen auf der letzten Friedenskonferenz, dass diese Arbeit kaum zu praktischen Ergebnissen führen würde. Dagegen ist sie der Ansicht, dass die Aufgaben der Konferenz wesentlich erleichtert werden könnten, wenn von den beteiligten Regierungen zu den einzelnen Punkten des englischen Programms formulierte Vorschläge, die das geltende Völkerrecht mit den für wünschenswert erachteten Verbesserungen wiederzugeben hätten, ausgearbeitet und den übrigen Teilnehmern der Konferenz zu dem von der Königlich Grossbritannischen Regierung vorgeschlagenen Zeitpunkt übermittelt würden.

Indem der Unterzeichnete einer Mitteilung darüber entgegensehen darf, wie sich die Königlich Grossbritannische Regierung zu diesem Vorschlage stellt, benutzt er den Anlass, um dem Herrn Botschafter die Versicherung seiner ausgezeichnetsten Hochachtung zu erneuern.

STEMRICH.

No. 271.

Mr. Lister to Sir Edward Grey.

F.O. 372/118.

17177/2453/08/329.

(No. 55.) Treaty.

Sir,

Paris, D. May 17, 1908.

R. May 19, 1908.

In his despatch Treaty No. 25, of March 4th,⁽¹⁾ Sir Francis Bertie reported that he had addressed a note to the French Government in the terms of your Circular of February 27th⁽²⁾ inviting them to send a delegate to attend the proposed Conference on International Maritime Law, to meet in London during the forthcoming autumn. I have now received and have the honour to transmit to you herewith copy of Monsieur Pichon's reply, dated the 12th instant.⁽¹⁾

His Excellency states that the French Government are happy to accept the invitation to be represented at the Conference, and that their delegate will approach the discussions with the same conciliatory dispositions which marked the relations between the British and French Delegations to the Second Peace Conference at The Hague.

With reference to the proposal of His Majesty's Government that the Powers should, say, on the 1st August, exchange Memoranda setting forth their views on the principal points to be discussed, Monsieur Pichon, while recognizing the utility of facilitating so far as possible the labours of the Conference by preliminary exchanges of views, is inclined to think that the procedure proposed by His Majesty's Government may have this disadvantage, namely that it may accentuate the divergences of views between the Powers which became evident at the Hague Conference. The varying practices of each Power in these matters are, Monsieur Pichon states, already generally known, and he therefore considers that it would be preferable if His Majesty's Government, who have originated the present discussion, should communicate to the Governments whom they have approached a preliminary statement of views which might serve as a basis for the observations of those Governments and in accordance with which they might formulate proposals with a view to attaining a practical solution of the questions.

Monsieur Pichon also expresses the hope that, as the questions at issue affect such important common interests, you may agree with him in deeming it advisable that a preliminary meeting should take place between the delegate[s] of the two Governments.

⁽¹⁾ [Not reproduced, as the contents are sufficiently indicated.]

⁽²⁾ [*v. supra*, pp. 306-7, No. 263.]

His Excellency also states that the French Government has been approached by several maritime States with a view to obtaining invitations from His Majesty's Government to attend the Conference.

I have, &c.

REGINALD LISTER.

MINUTES.

Every Power seems to have something different to suggest.

We were about to prepare a draft to Berlin on the lines of Mr. Hurst's minute on 16027⁽³⁾ but in view of this note and the Japanese suggestion, I have suspended the Berlin draft for the moment as it seems to me that if some fresh course of procedure has to be adopted a fresh communication to all the Powers invited will be necessary, or we shall get into a muddle.

W. M.

19 May.

It will be convenient to deal both with this despatch and with the note from the French Embassy of May 21 (17613)⁽⁴⁾ together.

We cannot agree to the French proposal that H[is] M[ajesty's] G[overnment] alone should communicate memoranda to the other powers, expressing their views as to what is the correct rule on the various questions mentioned in the programme. The effect would be that our hands would be tied, while every one else's were free.

Again the views held by the various States on all these questions have to be harmonized before the Conference can decide on the one rule to be applied. This cannot be done unless dependable and accurate information is available as to the exact rule or view that is held by each state: no one can supply this information so well as the state itself. However laboriously the Committee sitting in this Office applied itself to the work it could not formulate the Austrian views on contraband with such certainty that it would be safe to attempt to frame a compromise upon such foundations. The Austrians would probably turn round and say our statements were inaccurate. The French suggestion that H[is] M[ajesty's] G[overnment] should prepare a memo[randum] on each point which could be used as the basis of discussion by the Conference is excellent and should be welcomed, but not as a substitute for the memoranda to be exchanged two months before the Conference meets. I think it would be a very good thing if we undertook to prepare for the Conference a draft set of articles on each of the subjects in the programme which should be used as a basis for discussion and which should be framed with due regard to the information contained in the memorandum of each power. It will be impossible for any such draft to be prepared unless each power will state its views in advance.

It might well be worth while also to hint to the French that what is happening in our case is that an exhaustive study of all these questions, like blockade, in the light of the original authorities, instead of merely in the light of the statements of text book writers, is tending to show that the differences between British and Continental prize rules is much *less* acute than was thought. If so the effect of the suggested memoranda may be, not to accentuate divergences, as suggested by the French, but to diminish them.

Co-operation between the French and British representatives should be welcomed not merely for political reasons, but because the French practice is the foundation of all the views and rules held on the continent that are supposed to be so different from those of Great Britain and the United States: and a successful issue to the work of the Conference will be far more likely if the French and British work together.

For the same reason the offer of the French Gov[ernment] to send M. Renault over to discuss things should be accepted: but it is no use his coming until we know exactly what are the views that Great Britain is going to put forward on all these questions. It will be no use his coming till after August 1st: his coming therefore will not obviate the preparation on the part of the French of the suggested memoranda.

I think it would also be a most excellent thing if the U[nited] S[tates of] A[merica] would send someone over for similar unofficial discussions in advance. British and American doctrines on all these subjects are so similar that it is extremely desirable if possible that the two Powers should appear at the Conference to support identic proposals.

C. J. B. H.
23.5.08.

I entirely agree.

E. A. C.
25 May.

The latter suggestion seems to be well worth adopting.

C. H.

Before saying anything to the American Ambassador I should like to know at about what time we shall be ready for an unofficial discussion.

⁽³⁾ [*v. infra*, pp. 318-9, No. 276. Mr. Hurst's minute is not reproduced as its substance was embodied in the draft. The Japanese suggestion was for the postponement of the date by which the memoranda must be produced. (F.O. 372/118. 17188/2453/08/329.)]

⁽⁴⁾ [*v. infra*, p. 316, No. 273, and for Sir Edward Grey's reply, pp. 319-20, No. 277.]

On the other points raised we should reply as Mr. Hurst advises, but this reply as to procedure should be the same for all, and we should deal in a separate note with M. Pichon's request for an unofficial discussion, and also with his suggestion, for it amounts to that, that other Powers should be invited. As I have already explained to the Dutch and the U[nited] S[tates] Ambassador the difficulty of inviting other Powers, the reply to M. Pichon should be on these lines and we might add that to avoid giving offence we are willing that this meeting in London should not be called a Conference and that the points on which it agrees should, if desired, be ratified at The Hague where it would be open for other Powers to adhere, we being prepared to ratify the Prize Court Convention provided we have an agreement on these points with the Powers invited to London, whether others accept them or not.

E. G.

We shall be ready for unofficial discussions any time after the beginning of August.

I should like also to submit, if I may, that it might be better to defer saying anything about the name to be given to the Conference, or about ratification at The Hague for the present; and that any such concession should be postponed until it is necessary. At the present time I do not think it is, and the proposal for ratification or confirmation at The Hague suggests that without such subsequent approval the instruments drawn up at London would not be complete; they might possibly *not* be ratified or confirmed, the Powers might refuse, and if that was thought to have been necessary, we should be left bound by the Prize Court Convention, without the fixed rules for it to apply.

C. J. B. H.
27.5.08.

Very well: omit for the present.

E. G.

No. 272.

Sir H. Howard to Sir Edward Grey.

F.O. 372/118.

17835/2453/08/329.

(No. 14.) Treaty. Confidential.

The Hague, D. May 20, 1908.

Sir,

R. May 25, 1908.

With reference to Lord Acton's despatch No. 11, of this Series, of the 29th ultimo,⁽¹⁾ I have the honour to report that I attended Monsieur van Swinderen's diplomatic reception to-day, and that, in the course of our conversation, he referred to the proposed Maritime Conference in London. His Excellency said that he much regretted your refusal to invite the Netherland Government to the Conference, for, as I already knew, they greatly desired to receive such an invitation, and in this regard, he might add, that they had the sympathy of the Governments of Germany, Russia, and the United States of America.

He then asked me whether I thought it was at all likely that you would come back on your present decision, and I replied that, in my opinion, there was not the slightest prospect of your doing so, and that, therefore, for the reasons which had been communicated to Baron Gericke, he must consider your decision as irrevocable.

Monsieur van Swinderen stated that he was sorry to learn this, as he was sure that the refusal to allow the Netherlands to participate in the Conference would be greatly felt in this country. The Government had done their best to keep the matter secret, but a semi-official report had recently reached The Hague from London that the Great Naval Powers had been invited to take part in the Conference, and on the 16th instant a communication on this subject from General den Beer Poortugael had appeared in The Hague "*Nieuwe Courant*," in which the claim of the Netherlands to be invited to such a Conference was very forcibly set forth and urged.

In reply I informed His Excellency that I was sorry if the action of His Majesty's Government in this matter should cause him any difficulty, but that it was the only course possible in the circumstances. . . .⁽²⁾

I have, &c.

HENRY HOWARD.

(1) [Not reproduced, as the substance is given in this despatch. F.O. 372/118, 15019/2453/08/329.]

(2) [The remainder of the letter gives details of General den Beer Poortugael's communication to the *Nieuwe Courant*.]

Communicated by the French Ambassador, May 21, 1908.

F.O. 372/118.

17613/2453/08/329.

Par une lettre adressée le 12 Mai⁽¹⁾ à l'Ambassadeur d'Angleterre à Paris, le Ministre des Affaires Étrangères de France lui a fait part du désir du Gouvernement Français de voir modifier le mode de procéder proposé par le Gouvernement Britannique pour la préparation des travaux de la Conférence sur le droit international maritime qui doit se réunir à Londres l'automne prochain. Le Gouvernement Français craint que le dépôt d'un mémorandum par chaque Gouvernement n'accroisse les divergences de vues entre les États et préférerait que le Gouvernement Britannique remît aux Gouvernements conviés par lui à la Conférence un avant-projet sur lequel chacun présenterait ses observations.

Il proposerait, d'autre part, que M. Louis Renault vînt à Londres au cours de l'été prochain et s'entretînt officieusement avec un représentant du Foreign Office. Il lui paraît en effet très désirable que la communauté d'intérêts qui unit la France et l'Angleterre en ce qui concerne la réglementation de la guerre maritime, se manifeste par une entente aussi complète que possible à la Conférence de Londres.

M. Pichon serait très heureux de voir ces suggestions accueillies favorablement par Sir Edw[ard] Grey.

May 21, 1908.

(¹) [*cp. supra*, pp. 313-5, No. 271.]

No. 274.

Mr. O'Beirne to Sir Edward Grey.

F.O. 372/118.

17789/2453/08/329.

(No. 30.) Treaty.

Sir,

St. Petersburg, D. May 21, 1908.

R. May 25, 1908.

With reference to your Circular despatch, of this Series, of the 27th February⁽¹⁾ relative to the International Conference which His Majesty's Government suggest should meet in London in the autumn in connection with the proposed International Court of Appeal in matters of prize, I have the honour to transmit herewith the reply of the Russian Government to the invitation which, in accordance with your instructions, His Majesty's Ambassador conveyed to them.

I have, &c.

HUGH O'BEIRNE.

Enclosure in No. 274.

M. Isvolski to Mr. O'Beirne.

Monsieur le Chargé d'Affaires,

St. Petersburg, 6/19 Mai, 1908.

Par une Note en date du 23 février/7 mars, a[nnée] c[ourante], Son Excellence Sir A. Nicolson a bien voulu me transmettre une communication du Gouvernement Britannique conviant le Gouvernement Impérial à prendre part à une Conférence consacrée à l'étude de certaines questions de droit maritime international.

Je m'empresse, en vous accusant réception de la note précitée, de vous assurer, que l'initiative du Gouvernement Britannique est appréciée de la manière la plus sympathique par le Gouvernement Impérial.

Sincèrement désireux de contribuer utilement à la solution des problèmes réservés à l'examen de la Conférence, nous acceptons l'invitation à la réunion convoquée à Londres pour le mois d'octobre prochain. De même nous n'avons pas d'objection

(¹) [*v. supra*, pp. 306-7, No. 263.,]

à ce que les matières énumérées dans la note de Son Excellence Sir A. Nicolson soient inscrites au programme de la Conférence projetée, en nous réservant toutefois la faculté de proposer éventuellement à l'appréciation de la Conférence d'autres sujets connexes, de nature à élucider tels points du programme qui nous paraîtraient insuffisamment clairs.

Le Gouvernement Britannique trouve utile que les Puissances invitées à la Conférence procèdent, deux mois avant la réunion de celle-ci, à l'échange de mémorandums exposant ce qu'elles envisagent comme règles internationales par rapport aux différents points mentionnés dans le programme, ainsi que les raisons à l'appui de leurs points de vue. Tout en partageant l'avis du Cabinet de Londres qu'un échange de communications préalables facilitera grandement l'œuvre de la Conférence et contribuera à abrégier ses travaux, le Gouvernement Impérial estime, pour sa part, que cet échange devrait être consacré, de préférence, à l'étude des matières du programme *de lege ferenda*. Comme le fait observer le Gouvernement Britannique lui-même, des opinions et des pratiques divergentes semblent prévaloir actuellement dans le domaine du droit de guerre maritime. Dans ces conditions l'échange de mémorandums proposé, s'il portait sur ce qui pourrait être considéré comme le droit en vigueur, n'aurait pour résultat que de faire ressortir davantage ces divergences d'opinions et de pratiques et ne serait pas de nature à contribuer à l'établissement d'une entente internationale. Par contre, l'échange de propositions concrètes, sous forme de projets de dispositions conventionnelles, présenterait des avantages considérables et formerait, dans son ensemble, une base utile aux délibérations de la Conférence.

En portant ce qui précède à Votre connaissance.

Je saisis, &c.

ISWOLSKY.

MINUTES.

I think we must take the same line in answering the Russian note as with the German. The Russians are naturally averse to the formulation of rules by which their conduct in the recent war may be judged, but I think their feelings ought not to be allowed to stand in the way of this exceedingly desirable international reform. Furthermore it really does not matter very much whether the Russians come into the scheme or not; when once the court was set on its legs they could not hold out very long.

The arguments it is proposed to use in reply to Germany all apply,⁽²⁾ and should equally be used, in the answer to Russia.

C. J. B. H.
25/5/08.

I think we should in this case also give them an opportunity for making suggestions as to how the laws now in force could be improved or perfected.

C. H.

I suppose this can be reconciled with our reply to the French,⁽³⁾ which I understand is now the model.

E. G

⁽²⁾ [v. *infra*, pp. 318-9, No. 276.]

⁽³⁾ [v. *infra*, pp. 319-20, No. 277.]

No. 275.

Sir H. Howard to Sir Edward Grey.

F.O. 372/118.

19756/2453/08/329.

(No. 15.) Treaty. Very Confidential.

The Hague, D. June 3, 1908.

Sir,

R. June 9, 1908.

With reference to my despatch No. 14, of this series, of the 20th ultimo⁽¹⁾ I have the honour to acquaint you that Monsieur van Swinderen dined with me last Saturday to meet Lord Shuttleworth of the Royal Commission on Canals and Waterways, and

⁽¹⁾ [v. *supra*, p. 315, No. 272.]

that we had hardly left the dining-room when he spoke to me on the subject of the non-invitation of the Netherlands to the proposed London Maritime Conference.

His Excellency, who I could see was rather nervous and excited, said that General den Beer Poortugael's article had been widely read, and that one of the most moderate and trusted members of the Second Chamber in foreign affairs had told him how mortified the Dutch people would be if the Netherland Government were excluded from the Conference, and that he must expect an interpellation on this question. Monsieur van Swinderen went on to say that in the latter event he really did not know what reply he could make. He was much disappointed, for, as I knew, he was a great admirer of England, and was doing his best to further the most cordial relations with us, and now this lamentable incident made the realization of these good intentions more difficult. I replied that I was truly sorry for him, but that, as he knew, I could not assist him.

This afternoon at His Excellency's diplomatic reception he reverted to this subject, and said that he had talked it over with Professor Asser, who was likewise of the opinion that the non-invitation of the Netherlands to the Conference would have the worst effect in this country. He really thought that after all the hospitality and goodwill extended to all nations by the Netherland Government at the Peace Conferences, they had almost a right to be asked to this Conference, where from a "scientific" (sic) point of view the Dutch Delegate, who, he could assure me, would not be General den Beer Poortugael, might be of some use. He had not yet made up his mind what to do in the circumstances. He did not ask me to write to you, but possibly he might make another appeal to you, and in such an event he would inform me of the nature of the same.

I repeated to His Excellency that I regretted his position, but that I could hold out no hope that you would, or could, come back on your decision.

I have, &c.

HENRY HOWARD.

[*ED. NOTE.*—In accordance with instructions telegraphed on June 25, Sir H. Howard called on M. van Swinderen on June 26 and communicated to him the decision of His Majesty's Government to invite the Netherlands to take part in the Conference (Sir H. Howard to Sir Edward Grey, No. 22, Treaty, June 26, 1908, R. June 27. F.O. 372/118, 21984/2453/08/329). A circular despatch was sent to the British representatives at Paris, Berlin, St. Petersburg, Rome, Vienna and Madrid on July 1, 1908, stating that this change had been made because of the hospitality already shown by the Netherlands at the Hague, and because, if the Prize Court Convention were ratified, the Court would eventually sit at the Hague, and instructing them to "communicate this decision to the Government to which you are accredited, at the same time expressing the hope that this arrangement will be agreeable to them." A telegram to the same effect was sent to Washington and Tôkiô. (F.O. 372/118, 21951/2453/08/329.) The concurrence of the Powers was obtained during the ensuing month and on July 25 Sir H. Howard was authorized to communicate officially the circular despatch printed *supra*, pp. 306-7, No. 263. (F.O. 372/119, 25638/2453/08/329.) On July 15 the Norwegian Minister in London urged that Norway should be represented at the Conference, on account of the importance of her Mercantile Marine. Sir Edward Grey explained the reasons of His Majesty's Government for refusing to widen the scope of the Conference. He considered also that it was uncertain if the minor Powers would agree to be represented by Norway as suggested by the Minister. (Sir E. Grey to Sir A. Herbert, No. 11, Treaty, July 15, 1908. F.O. 372/118, 24785/2453/08/329.)]

No. 276.

Sir Edward Grey to Sir F. Lascelles.⁽¹⁾

F.O. 372/118.

16027/2453/08/329.

(No. 59.) Treaty.

Sir,

Foreign Office, June 6, 1908.

I have received your Excellency's despatch No. 44, Treaty, of the 7th ult[imo],⁽²⁾ reporting that the German Government are willing to take part in the proposed

⁽¹⁾ [*Mutatis mutandis* to Mr. O'Beirne No. 28. Treaty, of same date.]

⁽²⁾ [*v. supra*, pp. 312-3, No. 270.]

Conference to be held in London to consider questions in connection with the rules of maritime warfare.

With regard to the observations on the preliminary procedure to be followed, which are contained in the note from the German Government, I request that Your Excellency will inform the German Government that His Majesty's Government apprehend that decisions of British prize courts involving the property and interests of persons of any neutral nationality may be carried to the International Prize Court at The Hague, and therefore the object of His Majesty's Government in proposing the conference was to arrive at an understanding as to what were the rules of universal application, i.e., the rules that the Court must apply in the absence of treaties in force between the parties. I have already pointed out that it is improbable that Parliament will consent to pass the legislation necessary to bring the Convention into effect before knowing what rule the International Court is going to apply in appeals that are brought from the decisions of British Courts. The Great Powers have no *locus standi* to lay down new rules that would be binding on minor States: new rules adopted by the Powers represented at the Conference would only amount to treaties within the first paragraph of Article 7 of the Convention; and the uncertainty whether other States would adopt them would still render it necessary to have recourse to the general rules that the court is to apply in the absence of treaty engagements. There are many points of international law on which Great Britain is ready to enter into fresh arrangements with other Powers, as, for instance, the abolition or restriction of contraband of war, and His Majesty's Government see no reason why Germany, in addition to stating in the suggested memorandum what she believes to be the existing rule of international law, should not indicate the amendments that she wishes to see made in these rules. If such amendments were agreed to they would be embodied in an additional instrument, and would be binding on the Signatory Powers, but this should be ancillary to the chief work of the conference, which would be the formulation of the existing rules.

I have to add that there is no reason why the memoranda, which it is suggested should be exchanged on August 1st, should be either long or elaborate. The object is to obtain, before the Conference meets, a statement of the principles that each Power recognises as to the governing doctrines with reference to the various subjects mentioned in the programme.

[I am, &c.]
E. G[REY].

No. 277.

Sir Edward Grey to M. Paul Cambon.

F.O. 372/118.

17613/2453/08/329.

Your Excellency,

Foreign Office, June 11, 1908.

With reference to your communication of the 21st ultimo,⁽¹⁾ respecting the preliminary procedure to be adopted in respect of the proposed Conference to be held in London to consider questions in connection with the rules of Maritime Warfare, I have the honour to inform Your Excellency that His Majesty's Government would prefer not to adopt the proposal made by the French Government that His Majesty's Government should alone communicate Memoranda to the other Powers, expressing their views as to what is the correct rule on the various questions mentioned in the programme. Apart from other considerations, it will be necessary that the views held by the various Powers on all these questions should be, as far as possible, harmonized before the Conference can finally decide on the one rule to be applied. This will not be possible unless dependable and accurate information is available as to the exact rule

(1) *Iv. supra*, p. 316, No. 273.]

or view which is held by each State, and such information can only be satisfactorily supplied by the State itself.

His Majesty's Government welcome the suggestion made by the French Government that His Majesty's Government should prepare a Memorandum on each point, which might be utilized as a basis of discussion by the Conference, but this Memorandum could not form a substitute for the Memoranda to be exchanged two months before the Conference meets. His Majesty's Government are ready to prepare a draft set of Articles on each of the subjects in the programme, which could form a basis of discussion, and which would be framed with due regard to the information contained in the preliminary Memorandum of each Power. It will, however, not be possible to prepare such a draft, unless each Power represented is ready to state its views in advance.

An exhaustive study of the questions proposed for discussion at the Conference in the light of the original authorities, instead of merely in the light of the text-book writers, tends to show that the difference between British and Continental prize rules is much less acute than was previously supposed, and H[is] M[ajesty's] G[overnment] therefore hope that the effect of the suggested exchange of Memoranda may be, not to accentuate divergencies, as feared by the French Government, but to diminish them.

His Majesty's Government welcome the suggestion that the British and French Representatives should co-operate at the Conference, and gladly accept the offer made by the French Government that Monsieur Renault should visit this country with a view to unofficial discussion of the subjects prior to the Conference. It is not, however, possible for the present to fix a date for the commencement of such discussion.

[I have, &c.]

E. G[REY].

No. 278.

Sir Edward Grey to Sir C. MacDonald.⁽¹⁾

F.O. 372/118.

22863/2453/08/329.

(No. 17.) Treaty.

Sir,

Foreign Office, July 8, 1908.

With reference to para[graph] 8 of my despatch of this series of the 27th of February last I transmit to you herewith two copies of a Memorandum setting out the views of H[is] M[ajesty's] G[overnment], founded upon the decisions in the British Courts as to the Rules of Internat[ion]al Law on the points enumerated in my above mentioned despatch, proposed for discussion at the forthcoming Naval Conference at London.⁽²⁾ I have to instruct you to hand one copy of this Memorandum to the Japanese Gov[ernment], and to inform me, by telegraph, that you have done so.

In so doing you should explain that it is merely a compilation of Rules and dicta of British Courts and British practice collected for convenience, but necessarily put compendiously so that, if a question arose, it would have to be decided by reference to the full authorities, and that, therefore, it is not to be taken as an official Code, since some of the Rules and dicta are of ancient date and their application may be difficult in view of modern conditions.⁽³⁾

[I am, &c.]

E. G[REY].

⁽¹⁾ [Printed in *A. & P.* (1909), LIV, (*Cd.* 4554), p. 310. A similar despatch was sent on July 24 to Paris (No. 63. Treaty), Berlin (No. 74), Vienna (No. 9), Rome (No. 32), St. Petersburg (No. 39), Madrid (No. 16) and Washington (No. 24). Its substance was sent to Sir H. Howard, (No. 18, Treaty), on July 25 (F.O. 372/119. 25638/2453/08/329) after the concurrence of the Powers had been obtained to the invitation of the Netherlands to the Conference.]

⁽²⁾ [For the Memorandum, dated July 1, 1908, *v. A. & P.*, (1909), LIV, (*Cd.* 4554), pp. 311-9.]

⁽³⁾ [The despatch when sent on July 8 ended "and may have to be modified in view of modern conditions." The alteration was made by Sir Edward Grey's telegram No. 7, Treaty, of July 15.]

Count de Salis to Sir Edward Grey.

F.O. 372/118.

24084/2453/08/329.

(No. 65.) Treaty.

Sir,

Berlin, D. July 11, 1908.

R. July 13, 1908.

With reference to your despatch No. 59, of this series, of the 6th ultimo,⁽¹⁾ with regard to the procedure to be followed preliminary to the proposed International Conference on Maritime Law, I have the honour to transmit herewith, copy and translation of a note from the German Foreign Office, from which it appears that the Imperial Government consider that they must still recommend their counter-proposal, as they are of opinion that Memoranda confined to defining the existing rules of international law would serve no useful purpose.

I have, &c.

J. DE SALIS.

Enclosure in No. 279.

Herr von Schoen to Count de Salis.⁽²⁾

Berlin, July 9, 1908.

Aus dem Schreiben vom 12. v. M. über die Londoner Seekriegsrechts-Konferenz hat der Unterzeichnete ersehen, dass die Königlich Grossbritannische Regierung ihrem Vorschlage, zur Vorbereitung der Konferenz einen Austausch von Memoranden über das *geltende* Seekriegsrecht herbeizuführen, vor dem Gegenvorschlage der Kaiserlichen Regierung den Vorzug giebt. Die Königlich Grossbritannische Regierung glaubt, dass sich mit dem so gewonnenen Material auf der Konferenz eine Einigung der Grossmächte über das geltende internationale Recht erzielen lassen werde, das gemäss Artikel 7 Abs. 2 Satz 1 des Haager Prisenhofabkommens in Ermangelung besonderer Vertragsbestimmungen für die Entscheidungen des Prisenhofs massgebend sein soll.

Wie in der Note vom 6. Mai d. J.⁽³⁾ ausgeführt worden ist, nimmt die Kaiserliche Regierung an, dass eine solche Einigung, sofern es sich lediglich um die Feststellung des geltenden Rechts handelt, nach den Erfahrungen auf der Zweiten Haager Friedenskonferenz schwerlich zu erzielen sein wird. Käme aber auch eine Einigung unter den Grossmächten zustande, so wäre doch der Prisenhof noch keineswegs gebunden, die von diesen Mächten anerkannten Regeln des internationalen Rechts anderer Prisenhofsmächten gegenüber anzuwenden. Der Prisenhof wäre nicht einmal zur Anwendung dieser Regeln auf die sie feststellenden Mächte verpflichtet, wenn von ihnen nicht ein entsprechendes Abkommen gemäss Artikel 7 Abs. 1 des Prisenhofabkommens getroffen würde.

Bei dieser Sachlage glaubt die Kaiserliche Regierung nach wie vor ihren Gegenvorschlag empfehlen zu sollen, wonach sich die Konferenzverhandlungen von vornherein nicht lediglich auf das geltende Völkerrecht beschränken, sondern die Feststellung einer fernerhin massgebenden Vertragsrechts unter möglichster Anlehnung an das geltende Recht zum Gegenstande haben würden. Dementsprechend könnten die auszutauschenden Memoranden auch Regeln *de lege ferenda* enthalten, ohne dass zwischen diesen und den Regeln des geltenden Rechtes ein besonderer Unterschied gemacht werden müsste. Die Kaiserliche Regierung hat in diesem Sinne ihre Vorbereitungen für die Konferenz getroffen und würde in der Lage sein, demnächst entsprechende formulierte Vorschläge mit den übrigen Regierungen auszutauschen. Dagegen würde sie ein Memorandum, worin lediglich das geltende Recht wiederzugeben wäre, gegenwärtig nicht aufstellen können, auch sich nach Lage der Umstände von einer solchen Arbeit keinen Erfolg versprechen.

⁽¹⁾ [v. supra, pp. 318-9, No. 276.]

⁽²⁾ [The translation is omitted.]

⁽³⁾ [v. supra, pp. 312-3, No. 270, encl.]

Indem der Unterzeichnete den Herrn Grafen de Salis bittet, die vorstehenden Ausführungen zur Kenntnis der Königlich Grossbritannischen Regierung zu bringen, benutzt er etc.

SCHOEN.

No. 280.

Sir Edward Grey to Count de Salis.

F.O. 372/118.

24084/2453/08/329.

(No. 73.) Treaty.

Sir,

Foreign Office, July 21, 1908.

I have had under my consideration your despatch No. 65 Treaty,⁽¹⁾ of the 11th instant inclosing a note from Herr von Schoen respecting the preliminary procedure suggested by H[is] M[ajesty's] G[overnmen]t in connection with the Naval Conference proposed to be held in London in the course of the ensuing autumn.

While the object of the Conference must be first to ascertain the existing law, as far as possible on the heads suggested for discussion, and to reconcile the different views of that law, this does not exclude further discussion in the direction desired by Germany, and as regards the form of the Memoranda to be exchanged among the Powers invited to attend, H[is] M[ajesty's] Gov[ernmen]t fully recognize that the Imperial Government is entitled to put forward, and H[is] M[ajesty's] G[overnmen]t would be glad to receive a Memorandum in such form as, having regard to the objects of the Conference, the Imperial Gov[ernmen]t may deem most suitable.

The Memorandum which has been prepared by H[is] M[ajesty's] G[overnmen]t will be forwarded to you in the course of a few days for communication to the German Gov[ernmen]t.

I have to request that you will at once address a note to Herr v[on] Schoen in the terms of this despatch, and express the hope of H[is] M[ajesty's] G[overnmen]t that it will meet his objections, and that the German Memo[randum] may be forwarded to them in due course.⁽²⁾

[I am, &c.]

E. G[REY].

⁽¹⁾ [*v.* immediately preceding document.]

⁽²⁾ [On July 24, in his despatch No. 68, Treaty, Count de Salis reported that he had addressed a note to Herr von Schoen in the terms laid down by Sir Edward Grey. The note was dated July 24. (F.O. 372/119, 25960/2453/08/329.)]

No. 281.

Mr. O'Beirne to Sir Edward Grey.

F.O. 372/119.

26045/2453/08/329.

(No. 41.) Treaty.

Sir,

St. Petersburg, D. July 24, 1908.

R. July 27, 1908.

I have the honour to inclose the copy of a note dated the 9/22 instant, which I have received from the Russian Government in reply to the communication which I addressed to them by your instructions on the 14th instant, relative to the forthcoming Conference on the rules of maritime warfare.

The note expresses the satisfaction with which the Russian Government have received the explanations of His Majesty's Government as to the work of the Conference, and as to the nature of the memoranda to be exchanged. The Russian Government regret that their memorandum cannot be ready by August 1st; they inquire whether the memoranda of the other Powers concerned will be prepared by that date and express the opinion that the exchange of all the memoranda ought to take place in London simultaneously.

I have, &c.

HUGH O'BEIRNE.

Enclosure in No. 281.

M. Isvolski to Mr. O'Beirne.

M. le Chargé d'Aff[aires],

July 9/22, 1908.

C'est avec une réelle satisfaction que le Gouv[ernemen]t Imp[érial] a pris acte de votre note du 1/14 Juin,⁽¹⁾ a[nnée] c[ourante], exposant la manière de voir du Gouv[ernemen]t Brit[annique] par rapport à la tâche qui incomberait à la prochaine Conférence de Londres et, plus spécialement, par rapport au contenu des mémorandums que le Cabinet de Londres avait proposé d'échanger avant la réunion de la Conférence. De l'avis du Ministère Imp[érial], le point de vue du Gouv[ernemen]t Brit[annique] ne diffère guère, en principe, de celui exposé dans la note ministérielle du 6/19 mai.⁽²⁾ En effet, si le Gouv[ernemen]t Imp[érial] estimait, dans cette dernière, que son mémorandum devait être " consacré de préférence à l'étude des matières du programme *de lege ferenda*," le Gouv[ernemen]t Brit[annique] admet, de son côté, que le mémo[randum] en question pourrait énoncer non seulement les règles de droit international telles qu'elles paraissent exister aujourd'hui au Gouv[ernemen]t Imp[érial], mais aussi les additions ou modifications que ce Gouvernement jugerait nécessaire d'y introduire, afin d'établir à Londres, en tant que faire se pourra, un code uniforme de droit maritime en temps de guerre, pouvant peu à peu réunir les suffrages de toutes les nations du monde.

Ce point de vue, union intime de la " *lex lata* " avec la " *lex ferenda*,"—qui s'impose logiquement dans toute œuvre où il n'y a que peu de règles internationales généralement reconnues, —a servi de base aux différents ressorts intéressés du Gouv[ernemen]t Imp[érial] dans leurs travaux préparatoires pour la prochaine conférence et inspire le mémorandum qui sera élaboré, en conséquence, au Ministère Imp[érial] des A[ffaires] É[trangères] et qui contiendra des réponses détaillées aux 8 questions du programme anglais.

Le terme de l'échange de ces mémorandums (1 août, n.st.) originairement proposé par le Gouv[ernemen]t Brit[annique] devant échoir dans 10 jours, le Ministère Imp[érial] regrette que, pour des raisons techniques, il ne sera pas en mesure de présenter son mémo[randum] à cette date.

En s'appliquant à activer autant que possible la rédaction définitive de ce document, le Min[istère] Imp[érial] désirerait être informé si, d'après les renseignements du Gouv[ernemen]t Brit[annique], tous les Cabinets, devant procéder à cet échange, y sont déjà prêts.

De l'opinion du Ministère Imp[érial], l'échange de tous les mémorandums devrait avoir lieu à Londres, simultanément, par l'entremise du Ministère Royal des Affaires Étrangères ainsi que des Ambassades et Légations respectives.

Agréez, &c.

ISWOLSKY.

(1) [Marginal note by Mr. Mallet: " Note recapitulating No. 28 Treaty. L. M." *cp. supra*, pp. 318-9, No. 276, note (1).]

(2) [*v. supra*, pp. 316-7, No. 274, *encl.*]

No. 282.

Count de Salis to Sir Edward Grey.

F.O. 372/119.

26574/2453/08/329.

(No. 69.) Treaty.

Sir,

Berlin, D. July 28, 1908.

R. July 31, 1908.

With reference to your despatch No. 74, (22863) of this series, of the 24th Instant,⁽¹⁾ I have the honour to transmit herewith copy of the note which I have addressed to Herr von Schœn, forwarding copy of the memorandum setting forth the views of His Majesty's Government, founded upon the decisions of the British Courts, as to the rules of International Law on certain points for discussion at the forthcoming Naval Conference at London.⁽²⁾

I took the opportunity of a visit to the Foreign Office to hand the note personally to Dr. Kriege of the Legal Department, and to inquire whether the German memorandum dealing with the same subject might shortly be expected.

Dr. Kriege replied that their memorandum was nearly ready, and showed me a draft which was lying on his table, adding a remark to the effect that it had taken the form of a draft set of rules, in the form of a treaty, which the International Court was in future to apply.

I remarked that as far as I had understood, His Majesty's Government desired to have the views of the German Government as to the rules which the International Court would have to apply in the absence of any treaty understanding.

Herr Kriege rejoined that he was still of the opinion that an attempt to establish what might have been, up to the present, the views of the various countries would be rather of an academic character and serve no purpose. The common object of the two Governments being to establish what should be done in future, he had every hope that when he met the British delegates it would not be so difficult to arrive at a practical agreement.

It did not appear to me that there was any use in my attempting to continue the discussion in the absence of any instructions from you, the views of His Majesty's Government having been clearly laid down in the communications already made by your instructions to the German Government.

I have, &c.

J. DE SALIS.

⁽¹⁾ [*v. supra*, p. 320, No. 278, and *note* (1).]

⁽²⁾ [The Memorandum, dated July 1, 1908, is printed in *A. & P.* (1909), LIV, (*Cd.* 4554), pp. 311-9.]

No. 283.

Sir F. Lascelles to Sir Edward Grey.

F.O. 372/119.

28492/2453/08/50.

(No. 73.) Treaty.

Sir,

Berlin, D. August 12, 1908.

R. August 17, 1908.

With reference to Count de Salis' despatch No. 68 of the 24th of July,⁽¹⁾ I have the honour to transmit herewith copy and translation of a note which I have received from Herr Stemrich announcing that the Imperial Government are in agreement with

⁽¹⁾ [*cp. supra*, p. 322, No. 280, *note* (2).]

the views of His Majesty's Government in regard to the scope of the forthcoming Maritime Conference, as expressed in the note from this Embassy of the 24th of July.

I have, &c.

(For Sir F. Lascelles),
J. DE SALIS.

Enclosure in No. 283.

Herr Stemrich to Sir F. Lascelles.

Berlin, August 1908.

Aus den in dem Schreiben des Königlich Grossbritannischen Geschäftsträgers Herrn Grafen von Salis vom 24. v. M. enthaltenen Mitteilungen entnimmt der Unterzeichneter mit Genugtuung, dass die Königlich Grossbritannische Regierung die Hauptaufgabe der Londoner Seekriegsrechts-Konferenz nicht nur in einer Feststellung der Ansichten über das geltende Recht, sondern auch, soweit sich hierbei keine Übereinstimmung ergibt, in einem Ausgleich zwischen den verschiedenen Rechtsauffassungen erblickt. Hierauf wird bei den einzelnen Punkten des Programms, sobald sich keine allgemeine Übereinstimmung kundgibt, der Versuch zu machen sein, völkerrechtliche Regeln und Grundsätze zu vereinbaren, die sich als eine Vermittelung zwischen den einander widersprechenden Ansichten und Rechtssystemen darstellen und somit geeignet sind, die Zustimmung aller auf der Konferenz vertretenen und weiterhin wohl auch der übrigen Staaten zu finden.

Mit einer solchen Auffassung vermag sich die Kaiserliche Regierung nur einverstanden zu erklären, da die Vorschläge des von ihr aufgestellten und der Königlich Grossbritannischen Regierung demnächst mitzuteilenden Memorandums von völkerrechtlichen Grundsätzen ausgehen, die der allgemein bestehenden Übung entsprechen oder bei Verschiedenheit der Rechtssysteme einen billigen, den Anschauungen der Gegenwart Rechnung tragenden Ausgleich bilden.

Der Unterzeichnete, &c.

STEMRICH.

MINUTES.

We seem to have encouraged the German Gov[ernmen]t to take the very line which we were most anxious to have avoided! Our desire was to see them committed to some definite statement as to what they hold to be the international law on the points involved. They, following the unfortunate precedent of the Hague Conference, continue to evade this plain question, and are determined to have the naval conference run on German, or at least, anti-British lines.

The result seems unfortunate; but cannot now, apparently, be helped.

Mr. Hurst.

E. A. C.

Aug[ust] 18.

I think that times are ripe for the preparation and issue of a second circular informing the powers of, inter alia, the general acceptance of the invitation, of the extension with general acquiescence of an invitation to Holland, of the proposed date and place of meeting, of the German and Russian reservations and our answers. It would be well in this document to make it quite clear that what we intend to discuss is existing International law so far as possible.

I do not think it will be necessary to reassemble the Committee⁽²⁾ but I think Mr. Crowe and I might prepare a draft which L[ord] Desart might see.

C. J. B. H.

18/8/08.

In the answer to the Germans we appear to have followed Lord Desart's advice after the whole question had been carefully considered, but a second circular w[oul]d give us an opportunity of emphasizing our point of view.

W. L.

Prepare a draft as proposed.

The object of the Conference is to reach an agreement as to what rules are to be accepted as binding on the Gov[ernmen]ts concerned. The first step is to find out how far we are agreed

(²) [*i.e.*, the Inter-Departmental Committee, *v. supra*, p. 306, No. 263, note (1).]

as to what are the principles of International law. We know already that there is difference of opinion on this point and I do not see how this could have been concealed.

E. G.

Circular despatch prepared. See also minutes on 29230.⁽³⁾

⁽³⁾ [For the circular despatch, v. immediately succeeding document. The reference to Paper 29230 is to the text of the German memorandum prepared for the Conference, which was communicated to Sir Edward Grey on August 22. It is printed in *A. & P.*, (1909), LIV, (*Cd.* 4555), pp. 436-41. The minutes attached to this paper are as follows:—

F.O. 372/119.
29230/2453/08/50.

This is not even a memorandum, but the text of a draft convention. It seems to be very carefully and thoroughly worked out, and we are now face to face with the difficulty which has been anticipated.

By putting their proposals, which merely embody what Germany would *like to be* international law, and not what *is* international law, in this form, it is clearly intended to secure that this German draft should become the programme of the work of the conference. And it will be very difficult, and will require much tact and circumspection, to prevent this. We are asked to treat the document as confidential. But I have little doubt that when the conference meets, it will be found to have been communicated to those Powers on whose support Germany counts, those which supported her generally at The Hague: Austria, Italy, Holland, Russia, and perhaps the United States. It is therefore quite possible, and not at all unlikely, that at the outset the conference may be asked to take the German draft as the basis of its discussions, and that a majority of the Powers represented will vote for this.

The best, if not the only, way to avoid such a situation, will be for us to have a British draft ready to submit to the conference and to use all our influence to get it accepted as the basis of discussion.

The German draft will have to be examined by Lord Desart's committee. For this purpose the French version should be printed at once (white paper, half margin) and distributed to the members.

Mr. Hurst.

E. A. C.
Aug. 24.

We have told the French that when all the memo[ra]nda are exchanged we will prepare a "projet" for discussion. I think that the best way to avert the difficulties Mr. Crowe suggests will be to tell all the Powers that we will endeavour to frame (? with M. Renault's help) a draft for consideration by the Conference harmonizing so far as possible the views embodied in the various memoranda.

C. J. B. H.
24.8.08.

Such an intimation might with advantage be made in the fresh circular which is at present being drafted.

E. A. C.
Aug. 24.

The only reason the Germans wish us not to distribute this is that they are anxious that it should not be given to other Powers without something being given to the German Gov[ernment] in return; i.e., the memoranda of those other Powers.

The paper has been sent to print and will be distributed to the Committee.

W. L.

Make the intimation proposed. We should certainly prepare our own draft as a basis for discussion and this should be proceeded with as soon as can conveniently be done.

Much depends upon how far the German draft is irreconcilable with our views. It does not apparently prejudice or attempt to decide the limits which are to be permissible for a blockade. On the other hand it seems to me to be unsatisfactory with regard to the sinking of neutral prizes. But these are points to be examined by Lord Desart's Committee.

Our draft can be discussed with M. Renault whenever he comes over, but the preparation of it need not wait for him.

E. G.

Draft circular prepared.
See 28492. [v. immediately succeeding document.]

Sir Edward Grey to His Majesty's Representatives at Paris, Berlin, Vienna, St. Petersburg, Rome, Madrid, The Hague, Washington, and Tôkiô.⁽¹⁾

F.O. 372/119.

28492/2453/08/50.

(Circular.)

Sir,

Foreign Office, September 14, 1908.

The invitations which were issued by His Majesty's Government⁽²⁾ for a Conference in London during the coming autumn with the object of arriving at an agreement as to what are the generally recognized principles of international law on certain questions of maritime war have now been accepted by all the Powers to whom they were sent. With the concurrence of all the governments which were originally asked to take part in the conference, an invitation was subsequently issued to the Netherland Government in view of the peculiar position occupied by their country as the seat of the proposed International Prize Court and as the meeting place of the First and Second Peace Conferences. This invitation has also been accepted.

2. The list of subjects enumerated in my circular despatch of the 27th February⁽²⁾ last has met with general approval, though two Powers have stated that they assumed the specific mention of the subjects enumerated in the circular was not meant to exclude the discussion of other questions connected therewith if their consideration would be of help to carry into effect the work of the conference. While cordially acquiescing in the desire that no point or question should be excluded which is germane to the work of the conference, His Majesty's Government are anxious that the subjects for consideration should be limited to those whose elucidation is required in order to facilitate the general acceptance of the scheme for the creation of the International Prize Court.

3. Both the Russian and German Governments have expressed doubt as to the feasibility of limiting the work of the conference to formulating the existing rules of international law. The Russian Government stated that they considered the most useful form to give to the memorandum, which His Majesty's Government had suggested that each Government should prepare on the various subjects in the programme, would be that of a draft agreement on the various points, embodying the rules to be laid down for the future, without reference to the divergent practices of the past. His Majesty's Government have replied that they see no reason why the Russian Government should not, in addition to stating the existing rules, formulate the amendments they desire. Such amendments, if agreed to, could be embodied in an additional instrument, and this would be ancillary to the chief work of the conference, which would consist in the formulation of the existing rules. To this proposal the Russian Government have assented.

4. The German Government have also preferred to state, in their memorandum, the existing rules with such improvements as they consider desirable, urging that the work of the conference should not be limited to laying down the existing law of nations, but should be devoted to the determination of a treaty law which should be binding for the future and be based as far as possible on the existing law. His Majesty's Government, in reply, have intimated that while the object of the conference must be first to ascertain the existing law on the heads suggested for discussion, and to reconcile, as far as possible, the different views of that law, this need not exclude further discussion in the direction desired by the German Government, adding that they had no objection to the German Government preparing their memorandum in such a form as, having regard to the objects of the conference, they deem most suitable.

5. His Majesty's Government for their part still think that the form in which the results of the conference would be most usefully expressed would be that of a

⁽¹⁾ [An extract from this despatch was published in *A. & P.* (1909), LIV, (Cd. 4554), pp. 322-3, paragraphs 1, 2, 8, 9 are substantially unchanged, 3-6 are omitted and 7 printed in part.]

⁽²⁾ [*v. supra*, pp. 306-7, No. 263.]

declaration setting out the rules which the Powers regard as binding on themselves at the present time, and which their Prize Courts would apply in any cases that came before them, irrespectively of the nationality of the parties concerned. It has been suggested that such a declaration would not be binding on the International Prize Court, and that there would be no obligation upon that court to apply it even in the case of a subject of one of the signatory Powers, still less in the case of a subject of another Power represented on the Court which was not a party to the declaration. His Majesty's Government cannot believe that in actual practice the Prize Court could or would ignore a declaration which has received the unanimous recognition of all the chief naval Powers, and is enforced in the national Prize Courts of the States who between them appoint the majority of the judges of the International Court.

6. It is, however, essential, for the adoption of the plan, that the rules agreed upon should purport to be what the Powers recognize as the existing law, even though it may be necessary to restate some of the old principles in terms more applicable to the altered conditions of modern commerce.

7. It appears to His Majesty's Government that the form to be given to the results of the labours of the conference is of less importance than that the plenipotentiaries should co-operate in a determined effort to arrive at some definite and unanimous agreement on the subjects for discussion, so as to facilitate the general acceptance of the convention for the creation of the International Prize Court. With this view His Majesty's Government will endeavour to prepare, and hope to lay before the conference on its assembly, as a suitable basis for its deliberations, a draft declaration in terms which shall harmonize as far as may be possible the views and interpretations of the accepted law of nations as enunciated in the memoranda of the several Governments. They propose to invite the invaluable co-operation of the distinguished French jurist, M. Renault, in the preparation of such a document. The text of any paper drawn up on the lines contemplated may of course have to depart in some respects from the views held by particular Governments, although every effort will be made to reconcile such divergences, and it is necessary to point out, even at the present stage, that the provisions of the proposed draft declaration must not, in the circumstances explained, be taken to command on every point the assent of Great Britain, but will be submitted as a basis for discussion.

8. With reference to the date at which the conference should assemble, it will be remembered that His Majesty's Government originally suggested that the first meeting should take place early in October; but I have since learned that it would be convenient to some of the Powers if a somewhat later date was fixed upon, in order that the sittings should not clash with the Copyright Conference to be held at Berlin in October. Moreover H[is] M[ajesty's] G[overnment] would experience much difficulty in carrying through the necessary preparatory work for the elaboration of the bases of discussion in the period originally contemplated. They had hoped to receive the memoranda embodying the views of the several Governments on the 1st August last. It was however not until some time after that date that the first memoranda were received, and even at the present time only four such memoranda have reached this department. His Majesty's Government would therefore now propose that the conference should assemble at the Foreign Office in London on Tuesday, the 1st December next.

9. In bringing the contents of this despatch to the knowledge of the Government to which you are accredited, you will take an opportunity of assuring them of the pleasure that it will give to His Majesty's Government to welcome their delegates to the conference, in the confident hope that the spirit of co-operation and good-will which has led to its meeting will subsist throughout its deliberations and produce the results which it is the earnest desire of the governments there represented to attain.

[I am, &c.]
E. G[REY].

Sir A. Nicolson to Sir Edward Grey.

F.O. 372/119.

33909/2453/08/50.

(No. 429.)

St. Petersburg, D. September 27, 1908.

Sir,

R. October 1, 1908.

I duly brought to the knowledge of the Acting Minister for Foreign Affairs the contents of your circular despatch of the 14th instant,⁽¹⁾ on the subject of the approaching International Conference in London on Maritime Law, at the same time conveying to His Excellency the message contained in the last paragraph of that despatch.

I have the honour to transmit herewith the copy of a note which I have to-day received from M. Tcharykoff, stating that the Russian Government accept with pleasure the procedure suggested in your despatch. While welcoming the proposed draft declaration to be laid before the Conference and the co-operation of M. Renault in its preparation, they at the same time hold the view that the memoranda of the several Governments should form the first and principal basis for the deliberations of the Conference.

I have, &c.

A. NICOLSON.

Enclosure in No. 285.

M. Tcharykov to Sir A. Nicolson.

M. l'Ambassadeur,

September 22, 1908.

V[otre] E[xcellence] a bien voulu me remettre la copie d'une dépêche circulaire adressée, en date du 14 Sept[embre] c[ourant],⁽¹⁾ par S[on] E[xcellence] Sir E. Grey aux Représentants britanniques à l'étranger, concernant la Conférence Internationale de Droit Maritime de Londres.

En vous remerciant de cette communication je m'empresse de vous faire part que le Gouv[ernemen]t Imp[érial] accepte avec satisfaction les idées émises par S[on] E[xcellence] Sir E. Grey au sujet de l'ordre des travaux de la Conférence projetée. Notamment, le projet de soumettre à la Conférence, dès le début de ses délibérations, le texte d'une déclaration résumant les opinions des Gouvernements, telles qu'elles se trouvent formulées dans les mémorandums remis au Cabinet de Londres, nous semble pratique et de nature à contribuer au succès de la Conférence. Les services éminents rendus par M. Renault à l'œuvre de la codification du droit international, nous permettent d'envisager avec plaisir sa coopération à ce travail préparatoire.

Il est toutefois bien entendu que, malgré la haute compétence de M. Renault en matière de droit international, le Gouv[ernemen]t Imp[érial] ne saurait sanctionner d'avance—comme résumant complètement la pensée de la législation russe et de son Mémorandum—les résultats de cette œuvre préparatoire, en tant qu'elle dépasserait les limites d'un simple "résumé des opinions des Gouvernements," comme il est dit ci-dessus. Dans la pensée du Ministère Impérial, ce sont uniquement les Gouvernements intéressés qui seraient à même d'interpréter authentiquement la véritable portée des principes énoncés dans leurs mémorandums respectifs, de sorte que, à côté de l'œuvre accomplie à Londres avec la coopération de M. Renault, ce seront toujours ces mémorandums mêmes qui devront nécessairement rester la base première des délibérations de la Conférence.

Le Gouv[ernemen]t Imp[érial] croit d'autant plus nécessaire de formuler clairement cette observation que son Mémorandum, comme le Cabinet de Londres a pu déjà s'en apercevoir, contient, dans un même texte et sans aucune distinction, non seulement des règles de droit international qu'il considère comme existant actuellement, mais aussi les principes qu'il ne propose qu'en qualité de "lex ferenda." Or, cette particularité du mémo[randum] russe,—dont le Min[istère] Imp[érial] a eu

⁽¹⁾ [v. immediately preceding document.]

l'honneur de prévenir d'avance le Gouv[ernemen]t Brit[annique] (notes ministérielles du 6/19 mai⁽²⁾ et du 9/22 juillet,⁽³⁾ a[nnée] c[ourante]) et qui paraît ne pas être constatée avec assez d'exactitude dans le § 3 de la note précitée du 14 Sept[embre], constitue précisément, dans l'opinion du Min[istère] Imp[ériale], une difficulté considérable pour l'œuvre à laquelle M. Renault est appelé à collaborer, son "projet de déclaration" devant, d'après cette note, "harmoniser" les opinions des différents Gouvernements seulement en ce qui concerne "le droit international existant" ("the accepted law of nations").

Décidé pour sa part d'apporter à la discussion de ce projet tout son bon vouloir et l'esprit de conciliation qui l'anime, le Gouv[ernemen]t Imp[ériale] accepte, de même, la date du 1 Décembre (n.st.) prochain pour l'ouverture de la Conférence.

En portant ce qui précède, &c.

TCHARYKOFF.

(²) [v. *supra*, pp. 316-7, No. 274, *encl.*]

(³) [v. *supra*, p. 323, No. 281, *encl.*]

No. 286.

Sir Edward Grey to M. Paul Cambon.

F.O. 372/119.

33342/2453/08/50.

Your Excellency,

Foreign Office, October 5, 1908.

H[is] M[ajesty's] Gov[ernmen]t have been much gratified by the readiness of the French Government to allow their distinguished legal adviser, M. Renault, to consult with the British representatives at the forthcoming naval conference, with the object of preparing the draft declaration which is to serve as the basis of discussion. They regret all the more that, on careful consideration, the date after which they would be able to count upon M. Renault's assistance would, in their opinion, hardly leave sufficient time for the particular purpose in view. In these circumstances, H[is] M[ajesty's] Gov[ernmen]t would be very glad to take advantage of the alternative suggestion kindly made by the French Gov[ernmen]t, that M. Fromageot—of whose valuable co-operation the British delegates at the recent Hague conference had most gratifying experience—should come to London in M. Renault's place. If he could conveniently time his visit so as to be here about the 1st November H[is] M[ajesty's] Gov[ernmen]t would be very grateful.

They propose to avail themselves of that opportunity to endeavour to arrive at an understanding as to the general attitude to be adopted by the British and French delegates on various important questions of naval policy, without, however, giving up the hope that in this matter they will yet be able, before the conference assembles to confer also with M. Renault personally.

[I have, &c.]

[E. GREY.]

No. 287.

Sir Edward Grey to Mr. Whitelaw Reid.

F.O. 372/119.

34604/2453/08/50.

(Private.)

My dear Ambassador,

Foreign Office, October 6, 1908.

I hear that Admiral Stockton, who is to represent the U[nited] S[tates] at the forthcoming naval conference, is at present in Europe and likely to stay for some little while. This encourages me to make a suggestion which I have had in my mind for some time. There is, I believe, practical agreement between our two governments as to most of the questions which are to be debated at the conference. Although the English and American view of maritime international law is not so generally shared by the continental school of jurists, we have strong hopes of ultimately arriving

at some practical general agreement. Our efforts in this direction would, I think, be all the more likely to prove successful if a preliminary exchange of views could take place between our respective delegates, and some sort of understanding could be established as to the particular lines to be followed by them in handling the several questions. If you agree with this view, and if it would not be inconvenient to the Admiral, do you think that a meeting between him and our delegates could be arranged towards the middle or end of this month?(¹)

Yours sincerely,
E. G[REY].

(¹) [This proposal was accepted. (F.O. 372/119. 34990/2453/08/50.)]

No. 288.

Sir Edward Grey to Mr. Yamaza.

F.O. 372/119.
34604/2453/08/50.
(Private.)

My dear Mr. Yamaza,

Foreign Office, October 6, 1908.

The memorandum communicated by the Japanese government(¹) respecting the questions of international law to be discussed at the forthcoming naval conference has been carefully examined by a technical committee, and we are much gratified by hearing from them that there seems to be a marked general agreement between the views of the British and Japanese gov[ernmen]ts in the matters at issue.

I therefore look forward to our two countries acting in close support of each other at the conference. Whilst their co-operation seems thus assured, I think it would perhaps still further serve our common interests if it were possible for our respective delegates to meet and consult together before the conference assembles. Our experts hope to have ready a more detailed programme for the latter's deliberation in about four weeks from now, and I therefore write to ask whether at that time there would be available here in London an official of the Japanese gov[ernmen]t who could meet the British delegates for the purpose of some informal discussion which would, it is hoped, facilitate a more precise understanding as to the general line to be ultimately adopted at the conference by the Representatives of both nations.(²)

I need hardly say that we should attach the greatest value to such an understanding.

Yours sincerely,
E. G[REY].

(¹) [Printed in *A. & P.* (1909), LIV, (*Cd.* 4555), pp. 481-4.]

(²) [This proposal was accepted. (F.O. 372/119. 35526/2453/08/50.)]

No. 289.

Sir F. Lascelles to Sir Edward Grey.

F.O. 372/119.
35247/2453/08/50.
(No. 89.) Treaty.

Berlin, D. October 6, 1908.

Sir, *R. October 12, 1908.*

On the receipt of your Circular despatch of the 14th ultimo,⁽¹⁾ on the subject of the Maritime Law Conference, I forwarded a copy of it to the Imperial Foreign Office, and I have now the honour to transmit, herewith, copy and translation of Herr Stemrich's reply, from which you will observe that the Imperial Government criticise the views of His Majesty's Government as to the application by the International Prize Court of rules laid down by only a limited number of Powers.

I have, &c.

FRANK C. LASCELLES.

(¹) [*v. supra*, pp. 327-8, No. 234.]

Enclosure in No. 289.

Herr Stemrich to Sir F. Lascelles.⁽²⁾

Berlin, den 2 Oktober, 1908.

Der Unterzeichnete beehrt sich Seiner Exzellenz dem Königlich Grossbritanischen Botschafter, Sir F. C. Lascelles, den Empfang des Schreibens vom 17 v. M. und der ihm angeschlossenen Zirkularnote der Königlich Grossbritanischen Regierung vom 14. v. M. über die Londoner Seekriegsrechts-Konferenz dankend zu bestätigen.

Zu den einzelnen Punkten dieser Note gestattet sich der Unterzeichnete nachstehendes zu bemerken.

Zu 1, 8, 9: Die Kaiserliche Regierung hat mit Befriedigung davon Kenntnis genommen, dass die Einladung zu der Konferenz von allen beteiligten Regierungen angenommen worden ist. Sie erklärt sich gern damit einverstanden, dass die Verhandlungen am 1. Dezember d. J. im Auswärtigen Amte in London beginnen. Auch teilt sie die Hoffnung auf einen guten Erfolg der Konferenz und wird ihrerseits alles, was in ihren Kräften steht, zur Erreichung dieses erstrebenswerten Zieles tun.

Zu 2: Die Kaiserliche Regierung stimmt mit dem Wunsche der Königlich Grossbritanischen Regierung wegen Beschränkung der Konferenzverhandlungen auf die für die Ratifizierung des Prisenhofabkommens wesentlichen Punkte vollständig überein. Die Königliche Regierung dürfte inzwischen aus dem Deutschen Memorandum ersehen haben, dass die darin enthaltenen Vorschläge nicht über diesen Rahmen hinausgehen.

Zu 3-6: Die Königlich Grossbritanische Regierung ist der Ansicht, dass die Ergebnisse der Konferenz zweckmässig in einer Deklaration niedergelegt werden, deren Regeln von den Signatarmächten als das gegenwärtig geltende Seekriegsrecht anzuerkennen und von ihren Prisengerichten ohne Ansehung der Nationalität der beteiligten Parteien anzuwenden sein würde. Sie zweifelt nicht, dass alsdann auch der Internationalen Rechtes im Sinne des Artikel 7 Abs. 2 Satz 1 des Haager Prisenhofabkommens betrachten werde.

Dieser Vorschlag dürfte zunächst denselben Bedenken begegnen, die bereits früher von der Kaiserlichen Regierung gegen eine Beschränkung des Konferenzzwerkes auf das geltende Recht erhoben worden sind. Die inzwischen von den Konferenzstaaten ausgearbeiteten Memorandum haben die auf der Zweiten Haager Friedenskonferenz gemachte Erfahrung nur bestätigen können, dass die Auffassungen der einzelnen Regierungen über das geltende Recht vielfach von einander abweichen und sich zum Teil diametral gegenüberstehen. Es erscheint daher der Kaiserlichen Regierung so gut wie ausgeschlossen, dass auf der Konferenz eine Einigung darüber erzielt wird, was gegenwärtig geltendes Recht ist. Auch könnte eine Einigung über das fernerhin anzuwendende Recht nur erschwert werden, wenn jede Macht dieses Recht als schon gegenwärtig geltend anzuerkennen und damit zuzugeben hätte, dass eine von ihr vielleicht noch in jüngster Zeit befolgte abweichende Praxis nach geltendem Rechte unzulässig gewesen wäre und somit eine Verletzung des Völkerrechts darstellte.

Zu weiteren Bedenken gibt der Vorschlag der Königlich Grossbritanischen Regierung aus dem Grunde Anlass, weil die in der Deklaration enthaltenen Regeln von den Prisengerichten der Signatarmächte ohne Ansehung der Nationalität der beteiligten Parteien angewendet werden sollen. Die Deklaration würde hiernach die Bedeutung eines Abkommens haben, worin sich jede Signatarmacht verpflichtet, die festgestellten Regeln nicht nur gegenüber Signatarmächten, sondern auch gegenüber Nichtsignatarmächten zur Anwendung zu bringen. Auf Grund eines solchen Abkommens würde der Internationale Prisenhof die Regeln der Deklaration gemäss Artikel 7 Abs. 1 des Haager Prisenhofabkommens unter den Signatarmächten ohne weiteres anzuwenden haben; dagegen würde er, sofern Nichtsignatarmächte beteiligt

(2) [The translation is omitted.]

sind, schwerlich umhin können, im Hinblick auf die in der Theorie und Praxis von einander abweichenden Meinungen die von der Konferenz aufgestellte Deklaration über das geltende Recht auf ihre Richtigkeit zu prüfen. Aber auch abgesehen hiervon ist zu beachten, dass der Internationale Prisenhof nur unter den im Artikel 51 des Prisenhofabkommens angegebenen Voraussetzungen zuständig ist, mithin für eine Reihe von Fällen gar nicht in der Lage sein würde, der Deklaration die erforderliche Geltung zu verschaffen. Ueberdies kommt es nicht allein auf die Entscheidungen des Prisenhofs, sondern auch auf diejenigen der nationalen Prisengerichte und vor allem auf die den militärischen Befehlshabern von ihrer Regierung erteilten Instruktionen an. Dass diese Instruktionen den von der Konferenz angenommenen Regeln durchweg entsprechen werden, dürfte aber nur bei solchen Regierungen anzunehmen sein, welche die Konferenzbeschlüsse als für sie bindend anerkannt haben. Der Vorschlag der Königlich Grossbritannischen Regierung steht hiernach nicht im Einklange mit dem auch von der Zweiten Haager Friedenskonferenz anerkannten Grundsatz, dass die internationalen Regeln des Kriegsrechts vertragsmässig nur insoweit Anwendung finden können, als alle Beteiligten ihnen unterworfen sind.

Bei dieser Sachlage glaubt die Kaiserliche Regierung nach wie vor empfehlen zu sollen, dass die auf der Konferenz festzustellenden Regeln nicht zwischen dem geltenden Völkerrecht und einem fernerhin massgebenden Vertragsrecht unterscheiden und dass sie in einem Abkommen niedergelegt werden, das vertragsmässig nur unter den Konferenzmächten und den später beitretenden Mächten Anwendung findet.

Zu 7: Nach dem Vorschlage der Königlich Grossbritannischen Regierung soll die weitere Vorbereitung der Konferenz in der Weise erfolgen, dass von ihr unter Mitwirkung des hervorragenden französischen Juristen Renault der Entwurf einer Deklaration aufgestellt wird, der die in den Memoranden der verschiedenen Regierungen niedergelegten Auffassungen möglichst in Einklang zu bringen hätte. Auch die Kaiserliche Regierung kann jede weitere Erleichterung der Konferenzarbeiten nur als erwünscht erachten und würde es mit besonderer Freude begrüßen, wenn gerade Herr Renault seine Mitwirkung hierzu leihen wollte. Zu dem bezeichneten Zwecke dürften, soweit die in den Memoranden zum Ausdruck gekommenen Rechtsauffassungen der verschiedenen Mächte sich decken oder einander ergänzen, eine einheitliche Formulierung zu suchen, soweit diese Auffassungen aber auseinandergehen, eine vergleichende Gegenüberstellung (*tableau synoptique*) herzustellen sein. Ueber eine solche Zusammenstellung der einander widersprechenden Ansichten hinauszugehen, würde sich nicht empfehlen, weil im Hinblick auf die Natur des Gegenstandes bei einem Widerstreite der Ansichten ein Ausgleich mit Mitteln der juristischen Technik nicht herbeigeführt werden kann, es vielmehr der Beurteilung der beteiligten Regierungen überlassen bleiben muss, inwieweit sie in der Lage sind, von ihrem Rechtsstandpunkt nach gewissen Richtungen hin abzugehen. Da die in Aussicht genommenen Vorarbeiten zur Vorbereitung der Konferenz dienen sollen, würde die Kaiserliche Regierung es mit Dank erkennen, wenn ihr dieses Material möglichst bald mitgeteilt würde, damit es bei Erteilung der Instruktionen an die deutschen Delegierten noch mitberücksichtigt werden kann.

Indem der Unterzeichnete bittet, die vorstehenden Ausführungen der Königlich Grossbritannischen Regierung mitteilen zu wollen, benutzt etc.

STEMRICH.

MINUTES.

The persistent refusal of the German government to fall in with our proposal that the declaration to be signed as the outcome of the naval conference should be one setting out the *existing* law, may produce much inconvenience. It is to be hoped that we may yet succeed in convincing them of the necessity of our proceeding on the lines we have from the outset suggested.

The present despatch has been considered by Lord Desart's committee and the annexed draft reply has been prepared in accordance with their views and approved by them in its present form. At Lord Desart's request I now submit it for the approval of Sir E. Grey.

E. A. C.
Oct. 16.
W. L.
C. H.

I think it would meet the German position if they were assured that the conclusions of the Conference need not be limited to a declaration of existing law, though we desire that where there is agreement as to what may be called existing law it should be stated as such and the more there is of that the better. I agree with the draft of the Committee, which I gather does take this view.
E. G.

Yes, that is so.

E. A. C.
Oct. 20.

(See 37909⁽³⁾ for German reply.)

⁽³⁾ [*v. infra*, pp. 335-7, No. 291.]

No. 290.

Sir Edward Grey to Sir F. Lascelles.

F.O. 372/119.
35247/2452/08/50.
(No. 290.)

Sir,

Foreign Office, October 21, 1908.

1. Your Excellency's despatch No. 89 of the 6th instant,⁽¹⁾ conveying the answer of the German Government to my recent circular respecting the proposed conference on international maritime law, has received careful consideration.

2. His Majesty's Government are gratified at the renewed assurance that the German Government are confident of the conference leading to satisfactory results, and that they will earnestly co-operate to that end.

3. Herr Stemrich refers in his note of the 2nd instant⁽¹⁾ to certain aspects of the question in regard to which our two Governments are not completely in accord. He attaches great weight to the divergence of views as to the existing international law manifested in the memoranda submitted by the several Governments. An attentive and sympathetic examination of the points at issue has, however, convinced the advisers of His Majesty's Government that in many instances such divergence, although apparent in the theories upheld, has been much less marked in the practice actually followed. They feel, moreover, that the fresh interpretation which must inevitably be placed on old rules when applied to the changed conditions of modern navigation and warfare will naturally tend further to diminish differences which may formerly have been acute.

4. No doubt also the points of difference in the law as expounded by the several Governments appear enlarged beyond their true significance owing to the fact that a number of the memoranda, following the lines adopted by the German Government, do not purport to state the law as hitherto in force, apart from the changes which it is desired by some Powers to introduce, but avowedly add new rules, in regard to which it is only natural that there should be want of unanimity.

5. His Majesty's Government do not believe that it will be impossible to reach a satisfactory agreement respecting the terms of a declaration dealing with at least the more important questions from the point of view of the existing law. Nor do they doubt the practicability of arriving at an understanding on certain additional matters, which would find their natural place in a separate convention binding upon the signatory Powers, and applicable to all cases when they or their respective subjects or citizens are involved.

6. His Majesty's Government still think that such a division offers decisive advantages. It would at any rate meet the objections raised in Herr Stemrich's note that the rules to be set out in the proposed declaration could not be generally applied by the national prize courts of the signatory Powers irrespectively of the nationalities of the parties engaged. For so long as the declaration is limited to an enunciation of the principles of law actually in force, the International Court, whilst no doubt

⁽¹⁾ [*v. immediately preceding document.*]

competent to examine into the correctness of the principles so set out, and to consider their applicability in a particular case, would, His Majesty's Government feel confident, in fact apply the declaration as an authoritative statement of the general law of prize as adapted to existing conditions.

7. It will be remembered that it is the present uncertainty as to the law which the International Court would apply, which His Majesty's Government are desirous of seeing removed, in order that they may recommend to Parliament the acceptance by Great Britain of the jurisdiction of the International Prize Court.

8. It must therefore, in their view, be an essential feature of any satisfactory arrangement to be arrived at by the conference that there should be reasonable certainty as to the principles of law applicable in all cases in which Great Britain's interests may be affected by the decisions of the International Court. It would not be sufficient for this purpose to establish by convention rules binding only in cases where the Governments of all parties were signatories of such convention. To attain the desired object, His Majesty's Government can suggest no better means than an agreement among the principal naval Powers as to what is the existing general law.

9. It would be impossible for them to disregard the element of uncertainty that must enter into any forecast of the view which the International Court may take of the general applicability of admittedly new rules embodied in a special convention. Powers not parties to such convention would, no doubt, be entitled to resist the application of the new rules in cases in which they were concerned. It must, however, be presumed that any such convention will not embody rules which are other than fair and equitable as such, and it may well be hoped that a large majority of the Powers will find the rules acceptable, and be ready, therefore, formally to accede to the convention.

10. I offer these explanations not with any desire to enter into a legal argument with the German Government, but merely in order to make clear our own position. I trust that the German Government will share my feeling that the difference of views on which I have touched is not of a kind seriously to impede the success of our co-operation in the work of the conference, and that a practical solution will without difficulty be found in the course of its deliberations.

11. I may add that I entirely agree with the suggestions made in the concluding paragraph of Herr Stemrich's note as regards the form in which the draft declaration should be prepared. It would, I admit, be desirable to complete it in time to allow of its early communication to the several Governments, but I ought to say at once that, owing to the late receipt of many of the memoranda, and to the fact that M. Renault's services will not be available until the latter half of November, there may be some difficulty in meeting the wishes of the German Government in this respect.⁽²⁾

[I am, &c.]
[E. GREY.]

⁽²⁾ [Repeated to Paris (No. 500); Rome (No. 140); Madrid (No. 106); Vienna (No. 118); St. Petersburg (No. 326); Washington (No. 319); Tôkiô (No. 260); The Hague (No. 74).]

No. 291.

Count de Salis to Sir Edward Grey.

F.O. 372/120.
37909/2453/08/50.
(No. 482.)
Sir,

Berlin, D. October 30, 1908.
R. November, 2, 1908.

With reference to your despatch No. 290 of the 21st instant⁽¹⁾ on the subject of the International Maritime Law Conference, I have the honour to transmit herewith

⁽¹⁾ [v. immediately preceding document.]

copy and translation of a note from Herr von Schoen, giving the views of the Imperial Government with regard to the points raised in your despatch under reply.

You will observe that Herr von Schoen suggests the advisability of postponing the assembling of the Conference until January of next year.

I have, &c.

J. DE SALIS.

Enclosure in No. 291.

Herr von Schoen to Count de Salis.⁽²⁾

Berlin, den 29. Oktober 1908.

Der Unterzeichnete beehrt sich dem Königlich Grossbritannischen Geschäftsträger Herrn Grafen von Salis auf die mit dem Schreiben vom 25. d. M. mitgeteilte Note der Königlich Grossbritannischen Regierung über die Londoner Seekriegsrechts-Konferenz vom 21. d. M. nachstehendes zu erwidern.

Die Kaiserliche Regierung bringt dem Wunsche der Königlich Grossbritannischen Regierung, dass die von dem Internationalem Prisenhof anzuwendenden Regeln möglichst für alle Fälle seiner Zuständigkeit festgelegt werden, volle Sympathie entgegen. Die muss aber auch nach eingehender Prüfung der in der Note enthaltenen weiteren Ausführungen ihre Zweifel aufrecht erhalten, ob der von der Königlichen Regierung empfohlene Weg zu dem gewünschten Ziele führen wird.

Dass die Auffassungen der verschiedenen Regierungen über das geltende Recht vielfach und in wesentlichen Fragen von einander abweichen, ergeben die von ihnen vorgelegten Memoranden, die zwar in einzelnen Punkten auch Vorschläge de lege ferenda enthalten, im allgemeinen aber früheren, vom geltenden Rechte ausgehenden amtlichen Kundgebungen, ins besondere den auf der Zweiten Haager Friedenskonferenz abgegebenen Erklärungen entsprechen. Die Kaiserliche Regierung glaubt daher nach wie vor, dass eine Einigung darüber, was gegenwärtig geltendes Recht ist, schwerlich zu erzielen sein wird und dass durch eine Unterscheidung zwischen den Regeln des geltendes Rechtes und eines neu einzuführenden Vertragsrechts die einer Verständigung entgegenstehenden Schwierigkeiten nur vermehrt werden könnten.

Vor allem erscheinen aber die Bedenken nicht widerlegt die nach Auffassung der Kaiserlichen Regierung daraus entstehen, dass sich die Signatarmächte durch Anerkennung gewisser Regeln des Seekriegsrechts als geltenden Rechtes zu deren Anwendung auch Nichtsignatarmächten gegenüber verpflichten würden. Eine solche Verpflichtung entspricht nicht dem völkerrechtlichen Grundsatz der Gegenseitigkeit, wie er insbesondere auch von den bisherigen Haager Friedenskonferenzen anerkannt worden ist. Dass der Internationale Prisenhof einen genügenden Ausgleich schaffen sollte, wird keineswegs immer zutreffen. selbst wenn er, was nicht feststeht, die Regeln auch auf Nichtsignatarmächte ohne weiteres anwenden sollte. Denn einmal unterliegen seiner Zuständigkeit nur die dem Prisenhofabkommen beitretenden Mächte, und auch diese nur in bestimmt begrenzten Fällen: sodann kann selbst in den Fällen, in denen die Zuständigkeit des Prisenhofs gegeben ist, die Gegenseitigkeit nicht als gewahrt angesehen werden, wenn die Signatarmächte die von ihnen festgestellten Regeln bereits durch ihre militärischen Befehlshaber und ihre nationalen Prisengerichte zur Anwendung bringen müssen, während den Nichtsignatarmächten eine entsprechende Verpflichtung nicht obliegt. Dazu kommt noch, dass den Nichtsignatarmächten jeder Anreiz fehlen würde, einer Deklaration beizutreten, deren Vorteile ihnen ohne weiteres zufallen, während sie selbst freie Hand behalten.

Alle diese Unzuträglichkeiten würden vermieden, wenn die Konferenz dem Vorschlage der Kaiserlichen Regierung gemäss auf eine Unterscheidung zwischen dem geltenden Rechte und einem neuen Vertragsrechte verzichtet und das gesamte Ergebnis ihrer Arbeiten in einer nur auf die Signatarmächte anwendbaren Konvention zusammenfasst. Auch dürfte auf diesem Wege der Wunsch der Königlich Grossbritannischen Regierung, ein gemeinschaftliches Recht für alle Fälle der Zuständigkeit

⁽²⁾ [The translation is omitted.]

des Internationalen Prisenhofs zu schaffen, mit grösserer Sicherheit zu erreichen sein. Denn eine das gesamte Prisenrecht enthaltende Konvention zwischen den wichtigsten Handels—und Seemächten würde eine starke Anziehungskraft auch auf die übrigen Mächte ausüben und sie veranlassen, sich durch ihren Beitritt die Vorteile zu verschaffen, welche die Konvention nur den Teilnehmern bietet. Sollte aber auch nicht die Gesamtheit der Mächte dem Abkommen beitreten, so würde doch für die grosse Mehrzahl aller Fälle, wo eine Zuständigkeit des Internationalen Prisenhofs in Frage kommt, schon durch die Beteiligung der Konferenzstaaten selbst und der sich ihnen anschliessenden Mächte die gewünschte Rechtssicherheit gewährleistet sein. Uebrigens geht die Königlich Grossbritannische Regierung selbst von der Annahme aus, dass wenn die Konferenz neben der Feststellung des geltenden Rechtes in eine besonderen, nur für die Signatarmächte bindenden Konvention neue Regeln aufstellt, die anderen Mächte diese Regeln als recht und billig erkennen und daher mit ihrem Beitritte nicht zögern werden.

Der Unterzeichnete hat nicht unterlassen wollen, gegenüber den Ausführungen der Königlich Grossbritannischen Regierung den Standpunkt der Kaiserlichen Regierung nochmals eingehend darzulegen. Diese gibt sich aber ebenso wie die Königl. Regierung der Hoffnung hin, dass die bestehende Meinungsverschiedenheit den Erfolg der Beratungen nicht beeinträchtigen, sondern dass es der Konferenz gelingen wird, eine praktische und gerechte Lösung zu finden.

Was die weitere Vorbereitung der Konferenz durch Aufstellung des Entwurfs einer Deklaration unter Mitwirkung des Herrn Regnault betrifft, so hat die Kaiserliche Regierung mit Befriedigung davon Kenntnis genommen, dass ihre Auffassung über den Inhalt dieser Deklaration von der Königlich Grossbritannischen Regierung geteilt wird. Sie würde es aber zur Förderung der Konferenzarbeiten als sehr dienlich erachten, wenn ihr wie den anderen Regierungen dieses Material noch rechtzeitig vor Zusammentritte der Konferenz mitgeteilt wird, damit es bei Erteilung der Instruktionen an die Delegierten mitberücksichtigt werden kann. Andernfalls würden die Delegierten den Deklarationsentwurf auf der Konferenz selbst eingehend zu prüfen, auch unter Umständen noch Rückfragen an ihre Regierungen zu richten haben, so dass gleich zu Beginn der Konferenz eine Stockung in den Arbeiten eintreten könnte. Dies wäre aber um so unerwünschter, als es schon ohne dies schwierig sein wird, in der kurzen Zeit bis zum Weihnachtsfeste die Aufgaben der Konferenz erfolgreich zu lösen, so dass voraussichtlich eine Wiederaufnahme der Verhandlungen im neuen Jahre erforderlich werden würde. Mit Rücksicht hierauf möchte die Kaiserliche Regierung zur Erwägung stellen, ob es sich nicht empfiehlt, den Zusammentritt der Konferenz bis zum Januar nächsten Jahres zu verschieben.

Der Unterzeichnete würde dankbar sein, wenn der Herr Geschäftsträger die vorstehenden Ausführungen möglichst bald zur Kenntnis der Königlich Grossbritannischen Regierung bringen wollte, und benutzt diesen Anlass etc.

SCHOEN.

No. 292.

Sir Edward Grey to Count de Salis.

F.O. 372/120.
37909/2453/08/50.
(No. 305.)

Sir,

Foreign Office, November 6, 1908.

1. His Majesty's Government are somewhat disappointed at the purport of the further communication from the German Government on the subject of the Naval Conference, which was inclosed in your despatch No. 482 of the 30th ultimo.⁽¹⁾ That communication continues to press their objections to the fundamental principle which, as His Majesty's Government explained at the outset, underlay the scheme of inviting the naval Powers to the Conference, and which all those Powers, with the exception of

⁽¹⁾ [v. immediately preceding document.]

Germany, have agreed to. A careful perusal, however, of Herr von Schoen's note has created the impression that the German Government are influenced in their attitude by their failure clearly to understand the exact nature of the views and proposals of His Majesty's Government, which, therefore, I will endeavour to restate somewhat more fully, in the earnest hope that I may thereby remove the doubts and objections to which the German Government have given renewed expression.

2. The 7th Article of the International Prize Court Convention lays down that, in the absence of special Treaty stipulations binding upon the parties, "the Court shall apply the rules of international law. If no generally recognized rule exists, the Court shall give judgment in accordance with the general principles of justice and equity." The discussions at the Second Peace Conference revealed a divergence of views as to the existing rules, which seemed so serious that strong opposition arose both in this and in other countries to the acceptance of the Convention unless and until an agreement should have been arrived at which would give substantial security that the principles of international law to be applied by the Court were definitely laid down. Only on condition that the principles so defined would be uniformly and impartially enforced in all cases where British ships or interests were concerned, did it appear possible for His Majesty's Government to recommend to Parliament the acceptance of the jurisdiction of an independent international Tribunal.

3. After most carefully studying the ways and means by which this object—desired by other countries as well as by Great Britain—could best be attained, His Majesty's Government came to the conclusion that an effort should be made to arrive at an understanding with the Powers most nearly concerned, as to what were by them recognized to be the rules of international law at present on the most essential questions. Should it be found, as His Majesty's Government thought probable, that certain broad principles could be stated in terms acceptable to all the great naval Powers, it was felt that any proposition of law so enunciated as expressing, in their opinion, the correct rule, would carry such weight that its general application by the International Court could be practically relied on under the terms of the second paragraph above quoted, of Article 7 of the Prize Court Convention.

4. The contention of the German Government that such application, in cases involving the interests of Powers not parties to the understanding, would be contrary to the principle of reciprocity as generally recognized by international law, and as more especially consecrated by the two Peace Conferences at The Hague, does not appear to His Majesty's Government to be well founded. On the hypothesis that a particular rule is a part of the general law of nations, it must clearly be held applicable in all cases and to persons of every nationality. The question of reciprocity can only arise in connection with conventional stipulations by which new elements are introduced into international law. It would be manifestly unjust to enforce indiscriminately, and on persons who have withheld their assent, doctrines which constitute an admitted departure from generally accepted rules, but it is not understood in what circumstances an international Court could fail to apply, in particular cases, principles recognized to be the embodiment of the general and correct view of international law. It would no doubt be open to the Court to examine into the question whether the rule, as stated, did in fact correctly embody the law. If it were held not so to embody it, the case would be one where, in the words of Article 7 of the Convention already referred to, "no generally recognized rule exists." It seems, however, to His Majesty's Government difficult to believe that the Court would hold that there was no generally recognized rule when the nations whose Courts and whose practice have almost exclusively determined the course of evolution of international law, were not only agreed that such generally recognized rule did in fact exist, but had declared in uniform language what that rule was.

5. The reference, and appeal, to the resolutions or decisions of the two Peace Conferences at The Hague cannot but confirm His Majesty's Government in the opinion that the view on which Great Britain has felt it necessary to insist, has been misconceived. Those Conferences confined themselves to the discussion and elabora-

tion of agreements for the establishment of fresh obligations. It will be in the recollection of the German Delegates to the Second Peace Conference that when Great Britain, in the interests of an impartial settlement of conflicting claims advanced by different Governments in regard to a particular question, suggested the advisability of first determining what was the existing law, before framing rules to be observed in the future, it was laid down from the chair, with every appearance of general assent, that the Conference had no mission, and was not competent, to deal with the question of what was existing law. This view of the attributes of the Conference may have been right or wrong: it is certain that it was rigidly adhered to throughout all its deliberations. It follows that any recognition which that Conference may have given to the principle of reciprocity in the obligation to enforce rules of international law, cannot be made to cover, necessarily, the case of existing rules recognized to be of general validity.

6. It was with the very object of obviating the difficulties in the way of a satisfactory understanding which made themselves so acutely felt at The Hague, owing to the line of procedure there followed, that His Majesty's Government laid stress from the beginning upon the necessity of proceeding on an altogether different course if the proposed Naval Conference was to succeed where the Peace Conference had failed. So long as every State was free to contend for the setting up of rules of international law, which it considered it desirable to see established, without regard to whether such rules embodied an accepted principle of law or not, it seemed hopeless to expect agreement. In limiting the discussion as far as possible to the ascertainment of the existing law, and to the harmonizing of divergent views of that law, which His Majesty's Government anticipated, and still believe, to be not incapable of reconciliation, they selected what appeared to them the ground on which alone a satisfactory solution was possible of attainment.

7. It has never been questioned, so far as His Majesty's Government are aware, that the generally accepted rules of international law are binding upon all States in their relations with each other. It is true that if the municipal laws of a State are in conflict with the principles of the law of nations, there is for any aggrieved party, under existing conditions, no remedy except diplomatic remonstrance and ultimately a resort to war. This state of things is, however, radically altered so soon as an International Court of Appeal has been established, whose jurisdiction is accepted unreservedly by all the Powers which have joined in setting it up. From that moment it becomes a matter of comparative indifference whether a State, by refusing to make the necessary provision, failed to apply, in its national Courts, rules of international law to which the decisions of the International Court in any case of appeal brought before it, will give effect. In these circumstances it may be freely admitted that it would not be of much moment whether a particular State acceded formally to the proposed declaration of existing law or not, so that the apprehensions of the German Government as to the possible refusal of the non-signatory Powers to accede to a declaration of which the benefits will be assured to them anyhow, do not seem to constitute any real difficulty.

8. I have already in my previous despatch given expression to the gratification with which His Majesty's Government have arrived at the conclusion that the views embodied in the Memoranda of the several Governments are not so irreconcilable as they evidently appear to the German Government to be. I can only repeat that His Majesty's Government are confident of being able to prepare for discussion a document on the lines they proposed, without incurring the risk of provoking serious dissent on the part of the other Powers, which have all declared themselves to be animated with a sincere desire of reaching an agreement, and of co-operating to that end in a spirit of sympathetic endeavour. His Majesty's Government, being unable to admit the cogency of the arguments set out in Herr von Schoen's note, do not think that their proposal ought to meet with such strenuous opposition.

9. The alternative course recommended by the German Government appears, on the other hand, open to grave objections, which it seems to His Majesty's Government

impossible to disregard. A Convention containing a number of rules without indicating which are new and which are already generally accepted—rules, therefore, binding only upon the signatories so far as they may be new, but binding on all nations in so far as they represent existing law—affords no sufficient or definite statement of the principles which would guide the International Court in a particular case in which a non-Signatory Power was involved. It is quite possible, it is even, H[is] M[ajesty's] G[overnment] think, probable, that a large number of the more important non-signatory Powers would eventually accede to such a convention. This is not, however, altogether assured. Nor is it beyond question whether such accessions would be declared in good time. Any prolonged delay, such as might easily occur, would leave the element of doubt subsisting for some indefinite period, and in any case there would not be that degree of certainty which H[is] M[ajesty's] G[overnment] consider an essential condition of a British ratification of the Prize Court Convention. Seeing the real difficulties involved in the mode of procedure for which Germany has expressed a preference, His Majesty's Government hope that the Imperial Government will not persist in their objections, but will recognize the advantage of falling in with the plan which all the other Powers have accepted.

10. His Majesty's Government desire to facilitate the smooth working of that plan in every way they can, and I am glad to say that, in order to allow of expediting the preparation of the document which His Majesty's Government are anxious and indeed pledged, to submit to the Conference as a basis for its discussions, the French Minister for Foreign Affairs has, pending the release of M. Renault from his labours at the International Copyright Conference at Berlin, with great courtesy placed at the disposal of His Majesty's Government the services of M. Fromageot, of which they have availed themselves with gratitude and alacrity. It is hoped, that as a result of his timely collaboration, the draft now in preparation may be ready, for submission to the several Governments, well in advance of the 1st December. Should, however, circumstances not at present foreseen cause any unavoidable delay, His Majesty's Government would still beg the German Government not to insist on their proposal to defer the meeting of the Conference until after the new year, as such a postponement at the present advanced date would cause serious inconvenience, notably to Japan, whose Delegates are now on their way to London, and to the United States, whose principal Plenipotentiary has already arrived in England. Even if the communication of the draft declaration could only take place at the opening of the Conference, and if some of the Delegates were to consider that proposals based on the principles embodied in the Memoranda, which are now presumably in the hands of all concerned, required further reference to their respective Governments, any adjournment for such purpose would not, assuredly, require to be extended over more than a few days, whilst in the meantime valuable results might well be gained from personal intercourse and communications between the Representatives of the various countries. Valuable time would thus still be saved by proceeding with the Conference before Christmas, and should it not be found practicable to complete by then the task which the Conference has set itself, it seems to His Majesty's Government that an adjournment over the Christmas holidays would afford a suitable opportunity for most of the Delegates, should they so desire, to lay before their Governments their reports on the progress of the deliberations and to solicit such fresh and final instructions as the then state of the negotiations might seem to demand.

11. I request that you will communicate a copy of this despatch to the Minister for Foreign Affairs with the least possible delay.⁽²⁾

[I am, &c.]

E. G[REY].

(²) [Copies were sent on November 10 (*cp. infra*, p. 341, No. 294, *note* (¹)), with Count de Salis' despatch of October 30 (*v. supra*, pp. 335-7, No. 291), to His Majesty's Representatives accredited to the other Powers which were to be represented at the Conference, for confidential communication to the Governments. Copies were communicated also to the Japanese and United States Embassies in London.]

Sir Edward Grey to Sir E. Goschen.⁽¹⁾

F.O. 372/120.

39206/2453/08/50.

(No. 308.)

Sir,

Foreign Office, November 7, 1908.

I gave Count Metternich to-day copies of the latest phases of the recent correspondence with the German Government about the Conference on Maritime Law.

I explained that there was a difference of view, and I told him that our Committee hoped that, when the draft document which was to form the basis of discussion at the Conference was drawn up, the German experts would see that there was less substance in the difference of view than appeared.

Therefore, we should be very glad if the Germans would suspend their final decision in this controversy until they had received the draft document, which would be ready about the 16th; and if they would then send over one of their experts to discuss the matter privately here, before the general discussion began.

I had not been carefully into the details, but it appeared to me that the difference of opinion would never get less on paper, though an agreement might be arrived at by private discussion.

[I am, &c.]

[E. GREY.]

⁽¹⁾ [Sir E. Goschen had succeeded Sir F. Lascelles as British Ambassador at Berlin on November 1, 1908.]

Lord Acton to Sir Edward Grey.

F.O. 372/120.

39586/2453/08/50.

(No. 229.) Confidential.

Sir,

The Hague, D. November 12, 1908.

R. November 13, 1908.

I called upon the Netherland Minister for Foreign Affairs by appointment to-day and handed to him copies of the recent correspondence between His Majesty's Government and the German Government inclosed in your despatch No. 80 of the 10th instant (37909),⁽¹⁾ relative to the work of the forthcoming Naval Conference. I said that I understood the difference between the views of the two Governments to be that whereas we desired to draw up a statement of existing public law, by ascertaining the points in common and reconciling the divergences between the different national laws, which existing public law would ipso facto have been and continue to be universally binding, the German Government preferred that the task of the Conference should be to create fresh conventional obligations binding on the Signatories only. Germany, however, agrees to take existing rules into consideration while we do not deny the necessity for introducing the modifications required by modern conditions. I added that the present exchange of views was a restatement of the German objection and a recapitulation of the British position.

M. [van] Swinderen said that he would carefully study the correspondence and expressed his satisfaction at the resistance by His Majesty's Government of a proposal for a further postponement of the Conference.

I have the honour to inclose copy of a Memorandum which I left with His Excellency embodying the observations contained in your despatch under reply.

I have, &c.

ACTON.

⁽¹⁾ [Not reproduced. The cogent part of the despatch is printed in *A. & P.* (1909), LIV, (Cd. 4554), pp. 326-7.]

Enclosure in No. 294.

*Memorandum communicated by Lord Acton to M. van Swinderen.**The Hague, November 12, 1908.*

1. In transmitting to the Netherland Minister for Foreign Affairs copies of further correspondence which has recently passed between the British and German Governments with regard to the procedure to be adopted at the forthcoming International Conference on Maritime Law, His Majesty's Chargé d'Affaires is instructed to explain that the document which His Majesty's Government are drawing up as a basis for discussion at the Conference is in an advanced state of preparation. It should be ready about the 15th instant, and will be communicated without loss of time to the Powers to be represented at the Conference.

2. The object which His Majesty's Government have had in view in drafting this Declaration is to be set out as definitely as possible, on the one hand the point[s] of law on which the principles upheld by all the Powers—and also their practice, wherever this can be shown—are in agreement, and on the other hand, those points in regard to which common experience and similarity of conditions arising from modern developments of maritime commerce, navigation and war make it possible at the present time to lay down the general principles of international law which have gradually emerged out of the separate pursuit of independent lines by each country.

3. The main task of the Conference will not therefore be to deliberate “*de lege ferenda*,” as in the case of the Peace Conferences, with a view to extend the scope of the conventional law of nations. In contradistinction to a “Convention” setting up Rules which the Contracting Powers bind themselves individually to observe, the proposed Declaration is intended to place on record that those Powers which are best qualified and most directly interested, recognize, as the result of their common deliberations that there exists in fact a common law of nations, binding upon all States, and of which it is the purport of the Declaration, in the common interest, to set out the principles.

4. His Majesty's Government venture to hope that in thus defining “the generally recognized rules of International Law,” which are admittedly to form the basis of the decisions of the International Prize Court, the Conference will put an end to many doubts and uncertainties which are a danger both to peaceful commerce and to good political relations and only too often are caused simply by the absence of an accepted definition of the law to which all Nations are really anxious to conform.

5. In preparing the document in the form proposed, His Majesty's Government have accordingly intended not to suggest any new doctrines but to crystallize, in the shape of a few simple propositions, the questions on which it seems possible to lay down a guiding principle. In regard to other questions which cannot be so dealt with, His Majesty's Government will be happy to consider in the most conciliatory spirit, such proposals as have been or may be put forward with the view to the adoption of special conventional stipulations.

 No. 295.
Sir E. Goschen to Sir Edward Grey.

F.O. 372/120.
40810/2453/08/50.
(No. 505.)
Sir,

Berlin, D. November 21, 1908.
R. November 23, 1908.

With reference to your telegram No. 177 of yesterday,⁽¹⁾ I have the honour to transmit to you, herewith, translation of a note from Herr von Kiderlen-Waechter on the subject of the proposed Maritime Conference.

⁽¹⁾ [Not reproduced. It instructed Sir E. Goschen to ask if it would be acceptable to the German Government if the opening of the Conference were fixed for December 4. (F.O. 372/120, 40470/2453/08/50.)]

Since the receipt of this note this morning I have seen Herr von Kiderlen, who, as reported in my telegram No. 68 of to-day,⁽²⁾ now agrees to the postponement of the meeting of the Conference until the 4th December next.

I have, &c.

W. E. GOSCHEN.

Enclosure in No. 295.

*Translation of Note communicated by Herr von Kiderlen-Waechter to
Sir E. Goschen.*

Berlin, November 20, 1908.

The Undersigned has the honour to acknowledge with thanks the receipt of the material respecting the London Maritime Conference contained in the Notes of the 13th⁽³⁾ and 16th ultimo.⁽¹⁾

Unfortunately the reasons adduced in the Despatch from the British Government of the 6th ultimo⁽⁵⁾ for the recognition of the rules of the law of maritime warfare as the existing law, have not proved convincing to the Imperial Government. They, however, do not consider that it will serve any useful purpose to continue to exchange written views on this subject and trust that a practical solution of the difficulty may perhaps be found at the Conference.

The Imperial Government have received the proposals prepared by the British Government as a basis for the subjects to be discussed at the Conference with great interest.⁽⁶⁾ They are at present engaged in examining them, but meanwhile can see no objection to negotiations being conducted upon this basis, although they cannot recognize several especially important proposals as existing law. Under the existing conditions the Imperial Government agree to the assembling of the Conference on the 1st of December next, in view of the fact that the American and Japanese Delegates have already arrived at or are already on their way to London. The names of the German Delegates will be communicated to the British Government as soon as possible.

The Undersigned avails, &c.

KIDERLEN.

⁽²⁾ [Not reproduced, as the tenour is sufficiently indicated.]

⁽³⁾ [This cannot be identified with certainty. "Ultimo" is probably an error for "instant," and the communication the one which Sir E. Goschen was instructed to make in Sir Edward Grey's despatch of November 6. *v. supra*, pp. 337-40, No. 292.]

⁽⁴⁾ [The identification is again uncertain. It is probably a reference to the communication which Sir E. Goschen was instructed to make on November 14, *i.e.*, the proposals mentioned in the third paragraph of Herr von Kiderlen-Waechter's note. For this instruction *v. A. & P.* (1909), LIV, (*Cd.* 4554), p. 328.]

⁽⁵⁾ [This is clearly an error for 6th instant. *cp. supra*, pp. 337-40, No. 292.]

⁽⁶⁾ [Printed in *A. & P.* (1909), LIV, (*Cd.* 4555), pp. 491-556.]

No. 296.

Sir Edward Grey to Mr. Carnegie.

F.O. 372/120.

41661/2453/08/50.

(No. 144.)

Sir,

Foreign Office, December 2, 1908.

I have received your despatch No. 195 of the 26th ultimo⁽¹⁾ communicating the names of the Austro-Hungarian delegates to the forthcoming International Maritime Conference and informing me of the decision of the A[ustro]-H[ungarian] Gov[ernment] not to invest any of their representatives with full powers as no immediate signature is contemplated of any agreements come to by the Conference.

It is with great regret and disappointment that I learn at the last moment that the A[ustro]-H[ungarian] delegates are not to have power to sign a declaration.

⁽¹⁾ [Not reproduced, as its tenour is sufficiently indicated.]

H[is] M[ajesty's] G[overnment] had hoped that the Gov[ernmen]ts of all the Powers concerned, having been given ample opportunity of examining in all their bearings the several questions which they have long since agreed to discuss, would have been able to give such instructions to their delegates as would invest them with full authority to sign the instruments in which the results of the Conference will be embodied.

You should address a note in this sense to the A[ustro]-H[ungarian] Gov[ernmen]t, and express the hope of H[is] M[ajesty's] G[overnment] that their decision is not final and that, if, as is hoped, the progress of the deliberations at the conference proves agreement on the matters discussed to be as feasible as it certainly is desirable, they will reconsider their attitude and follow the example of the other Powers in conferring on their first Delegate the full powers that were suggested in my circular of the 27th February last.⁽²⁾

[I am, &c.]

[E. GREY.]

⁽²⁾ [Full powers were granted, but a verbal explanation was given that the signature of any Declaration or Convention could take place only after reference to the Austro-Hungarian Government.]

[ED. NOTE.—The Earl of Desart was appointed His Majesty's Plenipotentiary at the Conference, assisted by Rear-Admiral Sir Charles Ottley, K.C.M.G., C.V.O., Secretary to the Committee of Imperial Defence; Rear-Admiral E. J. Slade, M.V.O., Director of Naval Intelligence, and by Mr. Eyre Crowe, C.B., and Mr. C. J. B. Hurst, C.B., His Majesty's Foreign Office, in the capacity of British Delegates. The letter from Sir Edward Grey informing Lord Desart of his appointment is dated November 9, 1908. His instructions are dated December 1, 1908. Neither is reproduced here as they are printed in full in *A. & P.* (1909), LIV, (*Cd.* 4554), pp. 326 and 328-40. The Conference was opened on December 4, 1908, and closed on February 26, 1909. The proceedings are printed in *A. & P.* (1909), LIV, (*Cd.* 4555), pp. 560-664. The General Report of the Drafting Committee, and Final Protocol and the Declaration concerning the Laws of Naval War are printed in *A. & P.* (1909), LIV, (*Cd.* 4554, 4555), pp. 341-400 and 776-827. The Final Protocol and the Declaration were both dated February 26, 1909, but could be signed in London up to June 30, 1909. *cp. infra*, p. 350, No. 303, and p. 352, No. 305.]

No. 297.

Mr. E. Crowe to Sir E. Satow.

Private.⁽¹⁾

My dear Sir Ernest,

December 19, 1908.

I had heard with great distress of your serious illness, and then with all the more gladness from time to time of your progress towards good recovery. I was talking only the other day with Lord Reay and told him that if I were sure of your being now well enough to think of digging into the old fields that we began to plough at The Hague, I should like to let you know what we have been doing as regards the naval conference. But although he rather encouraged me, I had hesitated to bother you with such things, until the receipt of your note this morning.

The enclosed volume is what we have laid before the conference as a basis for discussion.⁽²⁾ It represents a good deal of hard work, as you may imagine. The second part of the volume contains memoranda furnished by the several governments, setting out their respective views on each point of the programme. Our own memorandum was prepared by a small committee which ultimately became the delegation at the conference. On receipt of the other memoranda, our committee carefully went through them and endeavoured to set up a number of rules which we thought might, with a little stretch, be described as being the generally accepted

⁽¹⁾ [Private Correspondence of Sir Ernest Satow, in the possession of Harold Temperley.]

⁽²⁾ [Not reproduced. The reference is to the *Livre Rouge* mentioned in *A. & P.* (1909), LIV, (*Cd.* 4554), p. 327, *note*, circulated on November 14. Its contents are printed in *A. & P.* (1909), LIV, (*Cd.* 4555), pp. 435-556, though their order is changed.]

law at the present moment. This process is described in the first part of the volume, where under each head we give the views of the several governments, followed by a few observations and a draft rule. The body of rules so arrived at is printed together at p. 119.

I enclose also a copy of our Instructions.⁽³⁾ I drafted them only lately and they have not yet been finally approved, but I have little doubt that they will stand practically as drafted.

The conference has just separated over the holidays. We have practically settled the whole question of blockade and also the transfer of enemy ships to a neutral flag, in a sense entirely in accordance with our views and proposals.

I hope you will appreciate our article 24, where we have by adopting as the zone of blockading operations, the "rayon d'action" of the blockading vessels. We found this convenient expression in the French memorandum, and thought it an excellent solution. It has now been accepted. The French have given up their "notification spéciale." Altogether the French are most conciliatory.

We hope to settle contraband on the lines of our last private proposals to France and Germany at The Hague: abolition of continuous voyage.—3 lists of absolute contraband, conditional contraband, and a free list. On all the other questions there will also be agreement, except the sinking of neutral prizes, and conversion on the high seas. It seems quite certain that on these no agreement is possible that would be acceptable to us. We shall endeavour to arrange that the jurisdiction of the International Court shall not cover these questions in any case. So we shall at least retain a free hand and take our own measures to vindicate what we consider the right view.

I should have been glad to send you also our procès-verbaux. But they are not yet finally settled and still remain in a rather chaotic condition.

If you care, I will send them later.

With best wishes for a happy Christmas and New Year.

Yours always,

EYRE A. CROWE.

Isn't old Sir Edward Fry splendid in taking up the Casablanca arbitration?⁽⁴⁾ I should give a good deal to be present.

⁽³⁾ [Printed in *A. & P.* (1909), LIV, (Cd. 4554), pp. 328-40.]

⁽⁴⁾ [For the Casablanca arbitration *v. Gooch & Temperley*, Vol. VII, p. 129, No. 144, and *Ed. note*.]

No. 298.

Lord Acton to Sir Edward Grey.

F.O. 371/794.

1363/533/09/50.

(No. 8.) Confidential.

Sir,

The Hague, D. January 8, 1909.

R. January 11, 1909.

I had some conversation to-day with M. Ruysenaers, Second Netherland Delegate to the Naval Conference, who returns to-morrow to London to attend the adjourned sittings of the Conference. . . .⁽¹⁾

M. Ruysenaers then said that, in his opinion, the Conference was working smoothly. Great Britain had shown herself conciliatory on the question of Blockade: and she would often find Holland in agreement with her, as, for example, when such questions as the conversion of merchantmen on the high seas came up for discussion, when these two Powers would probably find themselves in a minority. The German first Delegate was living up to the reputation he had gained for himself at The Hague, but the main difficulty between Germany and Great Britain would no doubt arise in respect of the form to be given to the results of the Conference. M. Ruysenaers

⁽¹⁾ [The omitted paragraph refers to details of *personnel*.]

believed that M. Kriege had been given most explicit, if congenial, instructions to insist on the Conventional in the place of the Declaratory form. Personally M. Ruysenaers, who had studied the arguments contained in your recent correspondence with the German Government, communicated by me to the Netherland Government, quite understood that you should prefer the latter alternative, which would enable His Majesty's Government to obtain Parliamentary assent to their adhesion to the Prize Court Convention of the Second Peace Conference, without necessitating any material change in our national Prize Law.

In conclusion, M. Ruysenaers observed that it was gratifying to see the deserved popularity which Admiral Roëll enjoyed at the present Conference among his British colleagues most of whom had learnt to appreciate his sterling qualities last summer at The Hague.

I have, &c.
ACTON.

No. 299.

Sir Edward Grey to Sir E. Goschen.

F.O. 371/794.
5612/533/09/50.
(No. 35.)
Sir,

Foreign Office, February 9, 1909.

I told the German Chargé d'Affaires to-day that we very much appreciated the conduct of business by Herr Kriege at the International Maritime Conference. He had dealt with questions on their merits in a conciliatory manner, and as we had done the same the result had been excellent.

The Chargé d'Affaires said that the spirit at this Conference had been very much better than the spirit at The Hague Conference, at which he had been present. Several persons had come to the Maritime Conference in the expectation that they were going to attend a first-class funeral, but the result had been favourable.

I told him I heard that Count Metternich had expressed some surprise at the concessions we had made. The reason for these concessions was that, as a matter of fact, we really desired to see the International Prize Court established. It was true that the Court would deal with only a limited number of cases in which disputes arose between nations, but it would deal with these cases more effectively than anything else which had yet been invented, for the International Prize Court would be something more than a mere arbitration tribunal.

For these reasons, we were most anxious to establish the Court. But in order to secure this, it would be necessary that I should be able to satisfy Parliament that the Court would not set up rules which would unduly restrict the action of our Navy in time of war. That was why we had called the Conference.

The Chargé d'Affaires asked me whether I anticipated difficulties in getting the consent of Parliament.

I told him that, if the Conference came to an agreement, Parliament would in my opinion pass the necessary legislation, for there was a strong body in favour of arbitration which would be most reluctant to defeat so important a step forward. Those who might be disposed to criticize the International Prize Court from the Naval point of view would be reassured by the fact that our Admiralty was represented in the Conference by two of its most trusted authorities, and would be disposed to accept what they had agreed to.

[I am, &c.]
E. G[REY].

No. 300.

Mr. Bryce to Sir Edward Grey.

F.O. 371/797.
 9919/6970/09/50.
 (No. 49A.)
 Sir,

Washington, D. February 25, 1909.

R. March 15, 1909.

With reference to telegraphic correspondence in regard to the desire of the United States Government that no action should be taken at the Maritime Conference in London in regard to investing the proposed International Prize Courts with the powers of arbitration, I have the honour to transmit herewith copy of a semi official communication which I have to-day received from Mr. Bacon, conveying the opinion of the United States Government on the matter.

I have, &c.

JAMES BRYCE.

Enclosure in No. 300.

Mr. Bacon to Mr. Bryce.

Department of State, Washington,
 February 24, 1909.

My dear Mr. Bryce,

I have to thank you for your note of the 23rd and for the trouble you have taken in cabling your Government on Saturday to communicate our views about the Court of Prize.

We are much gratified to learn that Great Britain is willing to co-operate with the United States in securing the acceptance of the proposed protocol regarding the Prize Court, but we fear that the suggestion for this Government to make proposals through diplomatic channels would not prove to be a solution of the difficulty as expressed in your note.

The proposal of the United States is to permit in the ratification of the Convention for the Prize Court the examination *de novo* of questions involved in judgments of the Supreme Court, and upon the questions so submitted to obtain a judgment of the Court of Prize. The Court of Prize will not review the judgment of the Supreme Court nor be a Court of Appeal for such purposes.

In the next place, the protocol which it was hoped the ten Powers represented at the Conference would accept provided that the Prize Court when instituted should be invested with the power of a Court of Arbitral Justice and when sitting as such court, should apply the procedure of the Court of Arbitration in accordance with the draft for a convention for the establishment of a Court of Arbitral Justice approved by the Hague Conference and recommended to the Powers. There seems to be some misunderstanding in the matter, because the United States does not propose at this time the establishment of a Court of Arbitral Justice as a separate institution, but only to invest the Prize Court with the powers of an Arbitration Court for the nations represented at the Maritime Conference and consenting thereto. In this view of the matter there is no attempt, nor indeed desire, on the part of the United States to persuade or coerce the Powers which objected at the Hague Conference to the establishment of the Court of Arbitral Justice. It is merely an opportunity to secure the establishment of a Prize Court and enlarge its powers by those consenting to the protocol so as to permit it to sit as a Court of Arbitration. If the Protocol were agreed to it would merely bind the ten Powers represented in the Conference, but would not affect any Powers not represented in the Conference. If the ten should be unwilling, there is no reason why those who are willing should not accept the protocol and invest the Prize Court with the powers of a Court of Arbitral Justice among themselves. The acceptance of the protocol regarding the Prize Court would tend to remove any constitutional objection there may be on the part of the United States. The further protocol regarding the enlargement of the functions of the Prize Court for the con-

senting Powers would in reality be a great advance towards the institution of a Court of Arbitral Justice. It is for this reason, and for this reason alone, that the United States considers it of vital importance.

Since writing the above I have received a long cable from Mr. Reid containing an account of an interview [he] had with Sir Edward Grey on the 22nd⁽¹⁾ instant, in which Sir Edward assured Mr. Reid that if this Government would take up, through diplomatic channels, the question of investing the Court of Prize with the functions of a Court of Arbitral Justice, his Government would lend support to the United States. While this is not exactly what we desire, a promise of co-operation is a matter of very great gratification and genuine importance to us. Information just received from our delegation indicates that a *vœu*, in the nature of a proposed protocol, is acceptable to the Conference. We look upon this as a result of the interest of your Government in the matter and are deeply grateful.

We still hope that your Government may find some way to take some step which shall be more effective than to leave the matter to diplomatic correspondence.

With renewed thanks for your consideration, I am, &c.

ROBERT BACON.

(¹) [*v. infra*, pp. 348-9, No. 302.]

No. 301.

Memorandum communicated by Mr. Whitelaw Reid.

F.O. 371/797.

8535/6970/09/50.

American Embassy, London, February 26, 1909.

Mr. Reid is instructed to convey to Sir Edward Grey the high appreciation of his Government of his considerate response and proffered co-operation both in the matter of the Prize Court and of the proposal to invest the Prize Court with the jurisdiction of a Court of Arbitral Justice.⁽¹⁾

The American Government, in pursuance of his suggestion, will be glad to bring the matter forward in the manner proposed, through diplomatic channels, at the first opportunity. The Secretary of State adds he is most gratified to feel that the American Government in these circumstances will have the support of Great Britain.

(¹) [*v. immediately preceding document.*]

No. 302.

Sir Edward Grey to Mr. Bryce.

F.O. 371/797.

8292/6970/09/50.

(No. 67.)

Sir,

Foreign Office, March 2, 1909.

The American Ambassador emphasized to me on the 23rd ult[im]o, as he had done on the 22nd, the great importance which the United States attached to proceeding with the establishment of a Court of Arbitral Justice, as had been contemplated at The Hague.

Mr. Root, he told me, had attached more importance to this than to anything else, and his Government were most anxious that the matter should be pressed forward at the present Conference. They also wished an arrangement to be made which would remove the difficulty, under the Constitution of the U[nited] S[tates], of bringing before the proposed Prize Court cases which had been tried by U[nited] S[tates'] Prize Courts.

I said, with regard to the latter point, the utmost that could be done now was to put it on record in a "vœu." It would be too late to attempt an alteration in the Prize Court Convention itself at this Conference; and indeed, such an alteration would probably be beyond the scope of the reference of this Conference.

With regard to the Arbitration Court, the Conference could not be called upon to establish it. This proposal had been blocked at The Hague by the objections of the minor Powers. More than one minor Power had asked to be admitted to this Conference. I had refused admittance on the ground, in every case, that the matters to be brought before the Conference concerned only the Great Naval Powers, and that the sole object of the Conference was to draw up a set of Rules which would enable those Powers to ratify the Prize Court Convention. To ask the Conference now to deal with a thing which was entirely outside the scope of the Prize Court Convention, and with regard to which the minor Powers had shown themselves specially sensitive and interested at The Hague, would be directly contrary to every assurance I had given in reply to requests for admittance from the minor Powers. It would amount to a breach of faith on our part, and I was sure the Conference as a whole would refuse to consider the question.

But I sympathised very much with the desire of the United States to establish an Arbitration Court, and if they would initiate and conduct diplomatic negotiations for the establishment of such a Court by the Great Powers for themselves, I would support them. The objections of the minor Powers had proved insuperable at The Hague, but I did not see why the Great Powers who had been in agreement at The Hague should not establish a Court for themselves. Care would have to be taken, to avoid injuring the feelings of the minor Powers, and to make it clear that the position of the Hague Tribunal was not being impaired, so that the minor Powers, should they have a dispute with a Great Power would have the right to appeal to that Tribunal if they pleased.

The Ambassador said that he did not see why the feelings of the minor Powers should be hurt by this procedure. In any case, their feelings could not be hurt more than the feelings of the Great Powers had been by their blocking the proposal at The Hague for an Arbitration Court. He agreed that the United States should initiate the diplomatic negotiations as they had initiated the proposal at The Hague.

He would submit to his Government the promise of our support in the hope that this, combined with the "vœu" to be expressed at the Conference on the other point connected with the Prize Court Convention, would satisfy his Government.

The Ambassador has subsequently informed me that the United States' Government intend to propose the negotiations contemplated, and I have promised to support them.

[I am, &c.]
E. G[REY].

No. 303.

Sir Edward Grey to Sir E. Goschen.(¹).

F.O. 371/794.
7411/533/09/50.
(No. 52.)
Sir,

Foreign Office, March 2, 1909.

The Naval Conference closed its proceedings on the 26th ultimo. It was able to arrive at a unanimous conclusion on most of the subjects of its programme and has elaborated a Declaration dealing comprehensively with a large number of the most important questions of international law in the domain of naval warfare. It is for

(¹) [Repeated to St. Petersburg (No. 83), Vienna (No. 35), Stockholm (No. 44), Madrid (No. 23, *mutatis mutandis*, First two paragraphs only to Washington (No. 65), and Tôkiô (No. 36); first three to Paris (No. 102), and The Hague (No. 23).]

His Majesty's Government a matter of sincere gratification that so large a measure of agreement has been attained. They recognize that this is largely due to the existence of a very real community of ideas and conceptions of law which, although to some extent obscured hitherto by an undue prominence given to conflicting doctrines and practices on certain points, does in fact dominate the international relations of the civilized world. They are conscious however that it required the good-will and loyal co-operation of the Powers most directly concerned to give practical expression to such community of principles and to waive minor points of difference, in the interest of a general settlement, on the basis of rules uniformly accepted and applied.

2. His Majesty's Government acknowledge with genuine satisfaction and gratitude the conciliatory and helpful disposition displayed by the delegates of all the Powers represented at the Naval Conference, and the spirit of mutual concession which alone made possible the successful issue of its labours, and I desire your Excellency to convey to the Government to which you are accredited the expression of our warm appreciation of this evidence of their desire to unite in furthering the common object for which the Conference was assembled.

3. Before separating, the Conference passed a resolution in favour of giving publicity to the proceedings of the Conference, but recommended that this step should be deferred until the 20th of March next, so as to allow sufficient time for the preparation of all the documents for simultaneous publication. I should accordingly be glad if you could obtain the formal consent of the Government to which you are accredited, to the publication of the proceedings, including the memorandum explanatory of their views on the several questions of international law involved, which they were good enough to communicate confidentially to His Majesty's Government, and which was utilized in the work of drafting the Bases of Discussion of the Conference. You should at the same time ask for an assurance that the result of the Conference and the records of its proceedings will not be made public in their country before the 20th proximo [*sic*: instant]. On these points I should be glad to receive an answer by telegraph at an early date.

4. It is highly desirable that the Declaration should ultimately be acceded to by all the non-signatory Powers. His Majesty's Government are therefore disposed to attach importance to anything which would assist in assuring for it from the outset a favourable reception. From this point of view it would be of unquestionable advantage if the instrument, when first published, should bear the signatures of the Plenipotentiaries of as many as possible of the Powers represented at the conference. His Majesty's Government therefore earnestly hope that, notwithstanding the provision in the Declaration to the effect that signature may be delayed until June 30th, 1909, those Plenipotentiaries who were unfortunately not in a position to sign the Declaration at once, on the conclusion of the Conference, should receive instructions to do so not later than the 19th of March, and you should make every effort to secure the adoption of this course so far as the German Government are concerned.

[I am, &c.]

[E. GREY.]

No. 304.

Sir Edward Grey to Sir F. Bertie.

F.O. 371/794.
7411/533/09/50.
(No. 103.)

Sir,

Foreign Office, March 2, 1909.

I have in my immediately preceding despatch⁽¹⁾ begged Your Excellency to inform the French government how sincerely the earnest efforts of the several governments represented at the naval conference, to bring the work set before it to a successful issue, have been appreciated.

(1) [*v.* immediately preceding document.]

I am conscious, however, that a debt of special gratitude is owing to the French government for their contribution to this result. It is the doctrines and practice of the French and British prize courts which have in the past stood in, perhaps, the most marked contrast, and H[is] M[ajesty's] G[overnment] were for a time preoccupied with the fear lest the reconciliation of these divergences should prove to present insurmountable difficulties. They have, I think, on their own part, given evidence of their genuine anxiety to meet in no ungenerous spirit, so far as they could, views and claims which have from time to time been put forward in opposition to their own. Having themselves made sacrifices, some of which were not altogether easy, they are all the better able to appreciate the sacrifice of others and to realize the value of the friendly hand held out to them, whenever they moved forward to seek an honourable compromise. They recognize that without the remarkably conciliatory and friendly action of the French delegates, the efforts of H[is] M[ajesty's] G[overnment] could never have been crowned with the success that has been sealed by the unanimous adoption of the Declaration elaborated by the conference.

The French delegates whilst taking the prominent part in the proceedings which became their position not only as the representatives of France, but as masters and most distinguished exponents of the science of international law, showed at all times a readiness to subordinate in matters of detail their individual predilections to the exigencies of a general agreement, and, in regard to many points of importance, their anxiety to co-operate in as large a measure as possible with their British colleagues, by giving sympathetic and determined support to proposals to which H[is] M[ajesty's] G[overnment] was known to attach value.

Monsieur Renault, more especially, in presiding over the committees in which the most serious and difficult work of the conference was done, succeeded, without departing from the attitude of strict impartiality incumbent upon the chairman, in guiding the debates along the lines which H[is] M[ajesty's] G[overnment] had not without encountering some opposition, originally suggested as the most appropriate for arriving at the end in view.

The fact that the Declaration as eventually drafted met with the immediate approval of the French government would have dispelled any doubt, had such existed, as to the attitude of their delegation being in entire harmony with the general spirit of their instructions. The loyal co-operation of the two governments at the conference, aided as it was by the very noticeable disposition of the Russian representatives to facilitate, so far as they could, the equitable solution of all questions of controversy, did not remain unobserved by the delegates of the other Powers, and there is reason to believe that it has not immaterially influenced the course of the negotiations.

H[is] M[ajesty's] G[overnment] have therefore every ground for being particularly gratified by the friendly, effective, and timely assistance in the work they had so much at heart, which they have received from the French government, and I request Your Excellency to convey a message to this effect to the Minister for Foreign Affairs.

[I am, &c.]

[E. GREY.]

No. 305.

Mr. E. Crowe to Sir E. Satow.

Private.⁽¹⁾

Dear Sir Ernest,

March 15, 1909.

I was very much interested by your letter and your remarks about the "Declaration of London." (Kriege⁽²⁾ proposed at one time that ratifications should take place at The Hague, so that it would have become the "Declaration of the Hague"!! But I jumped on that).

⁽¹⁾ [Private Correspondence of Sir Ernest Satow, in the possession of Harold Temperley.]

⁽²⁾ [The German plenipotentiary delegate at the London Naval Conference.]

There was the usual amount of controversy as to getting things said in the Declaration itself or only in the Report, and, as a rule, mention in the Report alone, represents a compromise, where a party has practically given in but would not agree to having his defeat advertised too much. I have put a passage into our own General Report (of which a copy herewith) to call attention to the meaning attaching to these conference Reports in the eyes of the continental people.

You are, alas, quite right as regards Art. 34 where undoubtedly "à l'administration de l'Etat ennemi" ought to have been said. We hope however that in practice no misunderstanding will arise. The whole drift of that and the preceding article ought to make it clear to the unbiassed that the above is the correct meaning.

"Base" was a compromise. We had "base d'opération" at first. Then the Germans wanted to add "base de ravitaillement" which would in practice have meant any port in the neighbourhood of which a military garrison, however insignificant in size was stationed. Finally it was agreed to have "base" only.

It seems very doubtful whether the rule of 1756 respecting "closed navigation" will ever again be applied by our Courts. The Admiralty lawyers declared there was no chance of it.

I am glad you think our preliminary article satisfactory. It was really a substantial concession which I got out of Krieger by much insistence, and I then with some difficulty persuaded our people to accept it. I am also of opinion that it gives us in substance what we had contended for.

We shall publish the complete bluebooks next Saturday or Monday, and I will see that copies are sent to you.⁽³⁾

Yours very sincerely,
EYRE A. CROWE.

⁽³⁾ [The two blue books were published as Miscellaneous No. 4 (1909) and Miscellaneous No. 5 (1909). v. A. & P. (1909), LIV, (Cd. 4554 and 4555), pp. 305-327 (presented to Parliament, March 1909). The Report is in both.]

No. 306.

Mr. T. Gibson Bowles to Sir Edward Grey.

F.O. 371/795.

18125/533/09/50.

25, Lowndes Square, London, D. April 29, 1909.

My dear Sir Edward Grey,

R. May 13, 1909.

I should not like anybody else to do me the ill service of sending you with unfriendly comment my enclosed article on the Declaration of London. I therefore do that ill service to myself.

I do it mainly that I may very honestly protest to you that it gives me very real pain to differ on such a subject from one for whom I have so high an opinion and so sincere a regard as yourself, and to ask you to let me assure you that it was only with much doubting and with great sorrow that the article was written.

But I do most sincerely hold that in this matter you have been misled, and it is one of such vast importance and one in which I have always taken so great an interest that at last I felt I must at all events make a humble pronouncement.

I feel assured you will attribute my action to the public motives which have alone actuated it, and will believe me, &c.

THOS. GIBSON BOWLES.

Enclosure in No. 306.

Extract from the "Nineteenth Century" of May 1909.

The Declaration of London.

The late Lord Salisbury in 1897 declared that the Declaration of Paris, whereby the Sovereign in 1856 assumed to surrender the British right to capture enemy goods

in neutral ships, was "a rash and unwise proceeding." Much more rash and unwise would he have held the Declaration of London, whereby the Sovereign in 1909 assumes to surrender other maritime rights. Whether these other rights are really, or in fact can be, surrendered by the prerogative alone, without an Act of Parliament, is another matter, to which I will crave leave to revert.

2. The interest of this country, which depends wholly on its maritime powers for security, is manifestly to maintain all the maritime rights of the belligerent, and to resist any encroachment thereon by the neutral. This, when we were actually fighting, was well understood by statesmen like Mr. Pitt and Mr. Fox, and thought so important by Lord Nelson, that he declared in 1801 that the enlargement of neutral claims so as to admit carriage of enemy goods was a proposition to resist which Great Britain should fight "while a single man, a single shilling, or even a single drop of blood remained in the country." Yet half a century later those claims were thus enlarged; and now, yet another half-century later, the Declaration of London assumes still further to enlarge them. And this Declaration is signed at the very moment when we are being told we must build eight *Dreadnoughts* if we would be safe. We are to build a greater navy, and at the same time we are to diminish its effectual powers!

3. A Hague Conference of *forty-six* nations, including such eminent naval Powers at Hayti, Cuba, Ecuador, Luxembourg and Switzerland, assumed in 1907—on the proposal, be it remarked, of Germany—to establish an International Prize Court to apply, as a Court of Appeal from national Prize Courts, "the rules of international law," or else its own notions of "the general principles of justice and equity." Sir Edward Grey therefore in February last convened a conference of ten of "the principal naval Powers," to agree what the rules of international law might be.

4. Let it be remembered that for the five Powers, Austria, France, Germany, Italy, and Russia, all essentially military Powers, the object must be to diminish naval power in warfare; at all events, that most important portion of it which strikes at trade and thus affords to navies the power of acting on armies, to the sea the power of coercing the land. For everything taken from naval power is so much added to military power. To the remaining four Powers, Japan, Holland, Spain and the United States—naval power is as important as military. For Great Britain alone it is overwhelmingly more important. And in this London Conference, therefore, Great Britain's maritime rights could have at the best only one of the ten wholly for them, four sympathetic but comparatively indifferent, and five dead against them. In such a conference Great Britain was certain to be beaten, and her beating to be engarlanded, as it was, with fulsome compliment and slobbering interchanges of reciprocal admiration.

5. But Sir Edward Grey did not wait to be beaten. He surrendered before battle was joined. He went over to the neutrals bag and baggage. The question whether merchant-ships can be converted into war-ships on the high seas, he said (Cd. 4554, p. 10), "is regarded by H[is] M[ajesty's] Government as one to be decided by reference to the rights of neutrals."

6. He adds in his instructions to the British delegates (p. 23),

"Any proposal tending in the direction of freeing neutral commerce and shipping from the interference which the suppression by belligerents of the trade in contraband involves should receive your sympathetic consideration, and if not otherwise open to objection, your active support."

7. And again (p. 25):

"H[is] M[ajesty's] Government are now desirous of limiting as much as possible the right to seize for contraband, if not eliminating it altogether . . . the principle of exemption (from seizure under convoy) is on the other hand favourable to neutral trade and in conformity with the spirit of British policy."

8. Sir Edward Grey, indeed (p. 32), instructs Lord Desart and the British delegates that their object should be to keep in mind "those legitimate rights of a

belligerent State which have been proved in the past to be essential to the successful assertion of British sea power and to the defence of British independence," and to see that "they are preserved undiminished and placed beyond rightful challenge"—which so far is excellent. But he then proceeds: "The maintenance of these belligerent rights in their integrity *and* (my own italics) the widest possible freedom for neutrals in the unhindered navigation of the seas are the principles that should remain before your eyes as the double object to be pursued." Here is a contradiction amounting to absurdity. Undiminished belligerent rights and the widest possible freedom for neutrals are opposite principles. They cannot co-exist. Enlarge the one and you impair the other. Maintain the latter and you destroy the former. And the whole tenor of the instructions shows that, in spite of phrases, the British delegates were intended and instructed to sacrifice belligerent rights to neutral "freedom"—to do precisely the contrary of what all British statesmen did when they yet knew what war is; to establish, in the words of the King's Speech of 1801, "a new code of maritime law inconsistent with the rights and hostile to the interests of this country."

9. In 1890 that competent authority, Captain Mahan, wrote of England:

"More than any other her wealth has been entrusted to the sea in war as in peace; yet of all nations she has ever been most reluctant to concede the immunities of commerce and the rights of neutrals. Regarded not as a matter of right, but of policy, history has justified the refusal; and if she maintain her navy in full strength, the future will doubtless repeat the lesson of the past."

10. In June 1907 he further wrote:

"Foremost among the causes of Napoleon's fall was the fact that to the products of France, so wealthy in her fields, vineyards, and manufactures, circulation was denied by the fleets of Great Britain. The cessation of maritime transportation deranged the entire financial system of France, largely dependent upon foreign custom. The State could neither raise revenue nor borrow; both money and credit were wanting. . . . The offensive advantage of capture [of private property at sea] to Great Britain, owing to her situation, is in my judgment inadequately appreciated."

11. Captain Mahan's expectation has been frustrated. The reluctance to concede to neutrals privileges which England ever most wisely denied has now been superseded by a positive enthusiasm for those privileges; and we are asked to believe that the new code of maritime law, once denounced as inconsistent with our rights and hostile to our interest, has now become consistent with both and hostile to neither.

12. The whole question ever was, and still is: whether the neutral is to be left free to assist the belligerent; to carry for him that trade which he can no longer carry for himself; to supply him with the instruments of war known as contraband, which otherwise he could not obtain; to break, or attempt to break, blockade without serious penalty; whether, in short, he is to be left free to assist either belligerent—which must mean assisting mainly the weaker—instead of being bound to assist neither. All these questions every British statesman who knew what real war was, and what its real stresses, would have decided, and always did decide, in the negative. All these Sir Edward Grey decides in the affirmative.

13. Or, rather, he invites the military Powers so to decide them. And they, of course, have done so. They have, with his assistance and co-operation, set forth a Declaration which throughout enlarges the power of the neutral to assist the enemy; which restricts the power of the belligerent to prevent that assistance; which in both respects lessens the effectual use of the superior naval power in maritime warfare; and which comes near to nullifying naval superiority altogether. It leaves the rights of a belligerent on land—to requisition, capture, sack, burn, destroy and devastate at the sole will of a commanding officer—where they were. It destroys the more effectual part of the remaining rights of a belligerent at sea. And it represents therefore as enormous a relative increase of strength to the military Powers as it embodies a decrease in that of naval Powers. It is all against naval England; all for military Germany.

14. No doubt it allows to our own merchants and ship-owners, while we are neutral, the same enlarged powers of engaging in, and making a profit out of, a commerce which will assist one or both of the belligerents to carry on their war. No doubt it offers to those merchants and shipowners greater immunity in a trade unlawful and immoral in itself, and calculated to support and to lengthen the war between two of our friends. But at what a cost is the private profit of such a trade made? At the cost of the public interest, perhaps of the national security, possibly even of the national existence, when we ourselves shall be at war. In exchange for a small and unlawful profit to a few individuals in time of peace, it paralyses the power of the whole nation in time of war.

15. Other nations, indeed, while neutrals, have much to gain from being allowed to interfere in a war between England and another Power. Since the Declaration of Paris, giving immunity from capture of enemy property in neutral ships, they stand to gain in such a war, a part at least, or, as some have held—including statesmen so divergent as the late Lord Beaconsfield and Mr. John Bright—the greater part, of the enormous British over-sea carrying trade. For their neutral flag thenceforth gave immunity from capture, and would therefore attract all enemy property, including even the British. But we, when neutrals, have no such immense prize to gain. We already do the greater part of the world's carrying trade, and in case of war between two other States have little, if any, addition thereto to expect. But the case rests also on other and higher grounds than those of interest. Let it never be forgotten that the "freeing of neutral commerce" means only freeing it to take a part in the war. It means allowing the neutral to assist and to maintain the enemy of his friend; to provide weapons and merchandise to one or both of two Powers waging a war from which it his duty to abstain altogether. If British subjects, when their country is neutral, are to have "freedom" to take so effectual a part in the war between two States to both of whom they owe equal friendship, there is no reason why they should not do it when to one of the two they owe allegiance; no reason why they should not do it when their own country is at war. What is thus set up is a notion of war that is no war; of military war and commercial peace co-existing; of soldiers and sailors destroying each other, and their "neutral" friends helping both to the means of continuing the destruction. Thenceforth there is left no reason why the very subjects of the belligerent Power should be prohibited from trading with the enemy and making a profit out of their country's calamity. As a neutral, Great Britain needs no such freedom, nor should she give countenance to those few unprincipled and selfish ship-owners among her subjects who are greedy for the high freights of contraband and enemy goods. They are the enemies of the State as well as the enemies of the State's belligerent friend; if they engage in so treacherous and wicked a traffic for gain, they should be left, as formerly they were, to the punishment that is their due. The whole profit, be it observed, of this "freedom" of neutrals to assist in the war by supplying contraband or merchandize to the belligerent who, because of the war, can no longer supply himself—the whole profit enures to the weaker belligerent. The stronger needs it not. Command of the sea secures to him the safe passage across that sea of all that he needs. It was so under the old sound rule. While the armies of Napoleon were shaking Europe with their tramp, his merchant-ships disappeared from the ocean; and at the same time the smallest British trader could traverse unchallenged any part of the high seas. It is not Great Britain that would reap any advantage from neutral immunity; it is always her enemy.

16. The first great surrender of our belligerent rights was, indeed, made fifty years ago by the Declaration of Paris, on the express ground that it was desirable to "establish a uniform doctrine" as to neutrals and belligerents—which it failed to do. This present Declaration of London is set up on the same false ground of being calculated to establish (p. 21) "certainty and uniformity"—which it fails as completely to do as did the Declaration of Paris. For neither certainty nor uniformity, nor any agreement whatever, has been reached on two of the most important points at issue, the two whereon many of the rest depend: whether a merchant ship may or may not

be converted into a warship on the high seas by a scrap of paper, and whether, if so, she may be similarly reconverted from a warship into a merchant ship: this question (p. 35) "remains open." So too, remains open the question whether "enemy property" is to be determined by the nationality or the domicile of the owner. What sort of certainty or uniformity can belong to a Declaration which fails to settle either one of two questions that lie, as these do, at the very heart of the thing? The only uniformity in it is the uniform abandonment of rights which would be of advantage to England in war. Here are some of the things done.

- (1.) Breach of blockade is rendered easier and less perilous by the abandonment of the right (Articles 14, 16, 17, 19, and 20 of the Declaration) to capture the blockade runner as hitherto, at any time until the conclusion of her voyage. This makes it harder for England to enforce a blockade.
- (2.) An insufficient and restrictive list of articles is agreed to (Articles 22 and 24) which "are without notice" (not "may be," as incorrectly translated) treated as absolute or conditional contraband, with power (Articles 23 and 25) to any belligerent to add to the list by a mere declaration. An excessive list of absolutely non-contraband articles (Article 28) is also set up, but with no power to add to or diminish it. This abandons the British, and only true principle, that what is contraband depends on the circumstances of time, place, and destination (for what is contraband at one time and place is not so at another), and makes it harder for England to stop contraband trade with her enemy.
- (3.) But it is also declared (Article 40) that the condemnation of a ship carrying contraband is only "permitted" if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo. So that a vessel may with impunity carry, say, 3,000 tons of arms, ammunition, and warlike stores and accoutrements, provided she carries another 3,000 tons, equal in volume and value and at an equal freight, of raw cotton, wool, silk, metallic ores, precious stones or any other of the articles in the seventeen categories of Article 28 which "may not be declared contraband"—a condition of immunity easy enough to comply with. Moreover, even thus a vessel which has carried contraband may not be captured (Article 38) after the committal of the offence. All this makes it still harder—so much harder as to approach the impossible—for England to stop contraband trade with her enemy.
- (4.) The destruction of a captured neutral vessel is declared to be permitted (Article 49) if sending her into port for judicial inquiry and judgment would "involve danger to the safety of the (captor) war-ship or to the success of the operations in which she is engaged"—whereof the captor is left to be sole immediate judge, subject to subsequent review. This relieves the captor from the risk of recapture, to the great damage of England, which always was and still would be able largely to nullify capture by the enemy through recapture before the enemy's port was reached. This provision is in itself monstrous, for it authorises the captor to constitute himself a prize court of first instance and to condemn his prize to be sunk at will. It can only have been agreed to in order to legalise *ex post facto* the outrage of the sinking of the *Knight Commander*. It limits, indeed, very seriously the advantages elsewhere accorded to neutrals. But it nullifies recapture, and thus erects into a principle what is nothing but an abuse of force on the spot, arbitrarily withdrawn from the risk of opposing force elsewhere than on the spot. How far Article 49 will consist with Articles 44 and 54 will be a nice question; for the former allows of destruction by the captor, while the two latter give to the captor the right to require delivery of "confiscable goods," and on their delivery declares that "the master (of the neutral)

must be allowed to continue his voyage." This is only one of many instances of the muddle made in the attempt to create a new law so as in every case most to impair England's naval power in war.

- (5.) Transfer of an enemy vessel to a neutral flag, instead of depending, as heretofore, on all the circumstances, is now declared (Article 55) to have an "absolute presumption" of validity if "effected more than thirty days before the outbreak of hostilities," a hard and fast condition which may easily be fraudulently complied with and which may override the most damning facts. This renders it harder for England to capture enemy vessels fraudulently pretended to be neutral.
- (6.) Enemy property in an enemy ship is declared (Article 58) to be determined, no longer as by the Law of Nations declared by British jurists it always was, by reference to all the accompanying circumstances including the domicile of the owner, but only by reference to his "character," which will almost certainly be held to mean his nationality. "Nationality" in these days means anything. Enemy property will therefore be found to mean nothing. But the true test is to be found, not alone in the character of the owner, but in all the accompanying circumstances showing what the property really is. The character of the owner is not the only element. There is the origin of the property, the character of the trade, and the method of conducting that trade. Under this new rule, ownership of neutral "character" would give immunity to goods under enemy flag or enemy pass—goods which have hitherto been held to be thereby stamped with a hostile character. "The property of a person may acquire a hostile character," said Mr. Justice Story in the *San José Indiano* case, "altogether independent of his own peculiar character." So, too, Lord Stowell: "there is a traffic which stamps a national character on the individual independent of that character which personal residence may give him." With inconceivable levity all this is thrown to the winds, and "character" alone is left to determine—character of owner, without reference to character of property or trade or circumstances. It really looks as if the British delegates had been surprised into a practical abandonment of their hitherto undeserted contention that domicile and not nationality should be the test. Moreover, if the "character" of the owner alone is henceforth to count, there will apparently be applied to goods in an enemy ship an entirely different principle from that applied (by Article 46) to goods in a neutral ship, even though the property of a neutral owner. Here some more reconciliation of different principles will be required. In any case Article 58 is a very tremendous surrender of the principle hitherto maintained. It will make it harder for England to establish the character of that "enemy property" which is now alone left open to capture, and harder, therefore, to put upon her enemy that most merciful yet most effectual stress which touched his pocket but not his life.
- (7.) Neutral vessels "under national convoy" are declared (Article 61) "exempt from search." Those who would know the full meaning of this must refer to the arguments used against it by British statesmen who knew what war really is. It renders immune from any examination, and even from so much as a question, a limitless fleet of neutrals or pretended neutrals having in their company a torpedo-boat flying the national pennant. The "opinion" of a sub-lieutenant commanding that torpedo-boat is declared (Article 62) conclusive as to facts and law. It is for "him alone to investigate the matter." The state of things thus created, and withdrawn thus from the so much lauded International Prize Court, is simply grotesque. Wherever there is a torpedo-boat convoy or even a "converted" vessel flying the pennant, these Articles will make

it impossible for the whole naval power of England to capture anything falsely alleged to be "neutral"—nay, impossible for her so much as to ascertain whether it is or is not neutral. The British delegates appear wholly to have forgotten what Robinson's *Admiralty Reports* show, that war always gives rise to frauds of the most impudent and unscrupulous character on the part as well of neutrals as of belligerents.

- (8.) It is declared by Article 30 that "absolute contraband" destined to enemy territory or forces is "liable to capture." But it is also declared by Article 32 that "where a vessel is carrying absolute contraband, her papers are *conclusive proof* as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers," while Article 35 lays down the same rule for a vessel carrying conditional contraband. The idea of a ship's papers being conclusive proof of destination of a ship apparently heading for that destination is enough to raise Lord Stowell from his grave. Apparently the British delegates had never heard of the common devices of false papers or of double and treble sets of papers, one true and the others false. The recent case of the *Doelwyck* pretending to be on her way to Kurrachee while really on her way with contraband to Jibouti only resulted in her condemnation by the Italian Prize Court because the master committed the blunder of giving up the true papers instead of the false. Had she been caught on the Red Sea (a way common to both ports) and had the master given up, as he intended, her false papers alone, these must have been accepted under Article 32 as conclusive proof of the innocence of a most guilty ship. All which makes it still harder for England to capture and condemn contraband traffic.

17. These are by no means all the changes made; they are only those which at first sight are most glaring and monstrous. Whether the King's Law Officers were consulted and their opinion obtained, before His Majesty was advised to authorise a Declaration affecting to make such vast changes in the law, we are not told. In the absence of a direct statement to that effect, nobody can believe that they were so consulted.

18. It is proper here to remark that the International Prize Court, which is to decide all these matters as a final Court of Appeal, is to sit at The Hague, is to deliberate with closed doors and in secret, and is to decide by a majority of its fifteen members, nine being a quorum (Articles 14 and 43 of Hague Conference); and that it is so constituted (Article 15) as to give to the military, anti-naval Powers a permanent majority. It is further proper to remark that the Convention establishing this Prize Court needed not to be ratified before the 30th June, 1909—this present year. Before that date Parliament may perhaps intervene, both as to this Convention and also as to the Declaration which has succeeded it.

19. Throughout, the Declaration so exaggerates "neutral" privileges and so pares away belligerent rights as to invite all neutrals to active participation in the war from which they are bound to hold aloof. Throughout it sacrifices the power and the rights of the superior naval belligerent to the toleration of neutral interference with the war. Throughout it is against England.

20. When a battle is fought under rules you may so make the rules of the ring as to prevent the stronger and abler of two men from using his strength and his ability, and to ensure victory to the weaker and less able. That is what was begun by the Declaration of Paris of 1856 and is completed by the Declaration of London of 1909. If by these new rules we are to be bound, then when war does come, Englishmen will see with equal incredulity and astonishment that the naval power which coerced Napoleon, and with him at one time the whole of Europe, has ceased to be effectual. They will wonder how it is that their vast fleets have somehow become powerless to distress their enemy. They will perhaps long go on seeing their overwhelming naval

strength as impotent in fact as it is imposing in appearance. They will wonder; perhaps they will ask themselves why. They will scarcely imagine, and when they realise it they will scarcely believe, that it is because of rules submitted to, nay, invited by their own Ministers. But if once in the stress of a struggle for life they do realise it, they will certainly, and at all hazards, tear asunder these paper bonds and will resume the full maritime rights they once exercised so irresistibly. Then the rules will go and some great reputations with them; then England will again become as powerful as she was a century ago. When she understands, she will become herself again. Then, and not till then.

21. Meantime this Declaration of London would tie us up beyond all precedent. Whether it will stand is another thing. It is at present only an act of prerogative. But, as Professor Maitland has pointed out in the best "Constitutional History of England" that we have, there are cases in which an exercise of the prerogative has, by itself, "no legal effect whatever." This seems such a case. The Law of Nations is part of the Common Law of England, and as such has been declared in innumerable decisions of competent judges. Can that law be altered by prerogative alone without Act of Parliament? He would be a bold lawyer who would say that it can be. When Captain Walker, of *H[is] M[ajesty's] S[hip] Emerald* forcibly seized Mr. Baird's Newfoundland lobster-pots and gear, shut up his factory, and pleaded that he did so by command of the Sovereign in execution of a Treaty made by prerogative with France, Mr. Baird took him into the Courts and worsted him. In 1892 the case came to the Privy Council for the final decision of that final Court, and the Attorney-General pleaded for Walker on behalf of the Crown that "the Crown by its prerogative can bind its subjects by treaty; that it is an offence by the Common Law to disobey the provisions of a public treaty of this kind; and that the act of the Executive in preventing that disobedience and enforcing obedience does not give a cause of action." But his argument failed. He had to admit its defects. Being asked whether he contended "that every treaty can be carried out by the Executive," he replied, "Not all; for instance, treaties involving questions of taxation or taxes or cession of territory in time of peace," and he further admitted that "the Crown, by treaty with a foreign Power," could not "acquire new rights against its own subjects." After much citing of relevant cases, the Privy Council decided that the fact of the Crown having made a treaty with France by prerogative alone, without any Act of Parliament to carry the treaty into effect, gave the Crown no right to seize Baird's lobster-pots; and that Walker's perfectly true allegation that he had acted in pursuance of orders from the Crown was therefore no defence. It decided in short that a treaty made by the Sovereign in exercise of the prerogative alone does not alter the Common Law—unless, perhaps, the treaty be (which this was not) a treaty of peace, the right to make which by prerogative may lawfully be exercised by the Crown.

22. That most important decision seems to cover the case of the Declaration of London. It may conceivably be that the King, in whom is vested the power of making war—even, as would appear, without the assent or even against the will of Parliament—may have also the power of instructing his naval officers to make captures at sea not authorised by the Common Law, or to refrain from making captures that are so authorised. It would be presumptuous for any but a complete Constitutional Common Law jurist to decide that point off-hand. But it would be more presumptuous to declare that this includes power to abrogate, to violate, and to end the Common Law itself in this respect. No act of the prerogative can withhold questions of Common Law from the Courts. "The suggestion that" Captain Walker's acts "can be justified as acts of State, or that the Court was not competent to inquire into a matter involving the construction of treaties and other acts of State, is wholly untenable," declared the Privy Council in 1892.

23. This being so it would seem that, so far as it assumes to alter the Law, no part of the Declaration of London has or can have any effect whatever unless and until all the alterations it assumes to make are embodied in an Act of Parliament, and thus receive the expressed assent not of the King alone, but also of the other two

constituent portions of the British Sovereignty. So far as the Declaration goes at present, it would seem to be strictly no more than a suggestion, incomplete in itself and without binding authority. Before it receives that authority we may expect that all its provisions will be subjected to the most jealous scrutiny, which will take into account not merely the weakness or convenience of Governments, but the rights, the interests, and the defences of the nation.

THOMAS GIBSON BOWLES.

No. 307.

Notes on Mr. Gibson Bowles' Article on the Declaration of London, in the May number of the "Nineteenth Century."

F.O. 371/795.

18125/533/09/50.

May 13, 1909.

1. Mr. Gibson Bowles has persistently attacked the Declaration of Paris of 1856 as the "unnecessary abandonment of valuable belligerent rights" over enemy goods carried in neutral bottoms. He has written a good book on the subject. I confess to having always had much sympathy with his view, and for a considerable period (about the early eighties) British governments seriously contemplated denouncing the Declaration of Paris whenever England might find herself involved in a big war.

2. I imagine however that by now the principles of the Declaration of Paris have taken root so firmly that their possible abandonment must be looked upon as an academical rather than a practical question. It is not only the lapse of time and the almost universal acceptance of the Declaration of Paris which affect the present position. There has been such a change in the distribution of naval power and in the conditions of modern maritime commerce, that it must be very doubtful whether even a strong belligerent could now afford to drive powerful neutral States into the arms of the enemy by enforcing the claim to prevent all trade with the enemy in neutral bottoms. So far as this country is concerned, it is difficult to imagine that if Great Britain were involved in a serious war in which, say, either the United States, France, Germany, Russia, or Italy were neutral, her position would be so strong that she could attempt to enforce such a claim against a determined opposition on the part of any one of those neutrals such as we are bound to expect would be offered.

3. In these circumstances the British Government were justified in accepting the Declaration of Paris as a definite and generally recognized element of the existing public law of international intercourse, and in building on this foundation, when the opportunity offered of consolidating and harmonizing international law on cognate questions.

4. It may be said in passing that Mr. Gibson Bowles is in error when, in § 3 of his article—I have numbered his paragraphs for convenience of reference—he says that the Hague conference established the international prize court "on the proposal of Germany." England and Germany made the proposal simultaneously. It figured largely in the instructions to the British delegates to the conference, and the scheme eventually adopted approached much more closely to the original British than to the German scheme.

5. Mr. Gibson Bowles begins by charging the Government with having failed to make any effort to maintain the rights of belligerents, and having gone over "to the neutrals bag and baggage." He seems to think he has clinched this matter by quoting the following passage from the British memorandum setting out the views of His Majesty's Government as to the existing rules of international law:—

"The question"—(*i.e.*, whether merchant ships can be converted into war-ships on the high seas)—"is regarded by His Majesty's Government as one to be decided by reference to the rights of neutrals."

This is a curious slip on the part of so able a controversialist. England has persistently refused to recognize the claims of belligerents to convert on the high seas.

Declaration of Paris.

International Prize Court not a purely German suggestion.

Alleged abandonment of belligerent rights.

Conversion of merchant vessels into war-ships on the high seas.

I do not suppose that Mr. Gibson Bowles wants us on the contrary to assert that claim. England has no need to convert on the high seas. She possesses plenty of national ports all over the world where she can easily do it. On the other hand, British naval authorities are agreed that the exercise of such a right gives a considerable advantage to those Powers which have no such widely-spread facilities. And Mr. Gibson Bowles himself refers somewhat contemptuously to the claim to convert merchant ships "into a war-ship on the high seas by a scrap of paper" (§ 16). Clearly he must have wished us to oppose the claim of foreign belligerents. On what other ground could this be done than that of the right of the neutral to be free from interference on the part of any but properly commissioned men-of-war? This right of the neutral offered the only standpoint from which the belligerent claim could be attacked, and that is the whole meaning of the phrase "the question is to be decided by reference to the rights of neutrals."

6. But Mr. Gibson Bowles wants to make out, generally, that the maintenance of existing belligerent rights and the "widest possible freedom" of neutrals to navigate the seas are incompatible with each other. Whereas, in fact they are the two parts of an absolutely necessary compromise. Everything depends on how far it is necessary to curtail the neutral's freedom in order not to take away the belligerent's right to carry on war. The particular passage in the instructions to the British delegates at the London Conference to which Mr. Gibson Bowles takes objection in his § 8, very clearly indicates the general lines of that particular compromise on this point which His Majesty's Government favoured: namely the widest possible freedom for neutrals compatible with the maintenance of those essential belligerent rights without which England would be unable to carry on a successful naval war. We claim that this double object, far from being impossible because in itself a contradiction, has actually been attained in a large measure by the Declaration signed in London.

7. In §§ 12-16 Mr. Gibson Bowles argues in a general way that we have by the Declaration of London "enlarged the power of the neutral to assist the enemy," whilst restricting the power of the belligerent to prevent that assistance. Most of this general argument however is really directed against allowing the enemy to carry on any maritime trade at all even in neutral bottoms. He thus harps back to the viciousness of the Declaration of Paris, which is not really to the point here. But he proceeds in §§ 17-24⁽¹⁾ to enumerate eight specific instances as illustrative of the faults committed. These may be answered in detail:—

8. It is true that we have abandoned the right to capture a ship breaking blockade outwards, at any time or place until the termination of her voyage. The Declaration allows such a ship to be captured only so long as she is "pursued." The Admiralty however have deliberately concluded that this is an insignificant concession, worth little in practice, and that it will not really make the enforcement of a blockade more difficult. The recorded cases where ships breaking blockade outwards have ever been captured otherwise than as a result of pursuit by vessels of the blockading forces, are very few and unimportant.⁽²⁾

9. Mr. Gibson Bowles characterizes the lists of contraband as insufficient and restrictive. There are two lists. The list of absolute contraband includes everything having an exclusively warlike use. So far from being insufficient, it is so complete that those Powers which were most anxious for the adoption of the clause permitting further additions, had to admit that there was not at the present moment in existence, or foreseen, any article, material, or invention, suitable for warlike purposes only, which was not already comprised in the list. As regards conditional contraband, Mr. Gibson Bowles declares it to be the only true principle that "what is contraband depends on the circumstances of time, place, and destination." This is exactly what the declaration provides by allowing an indefinite extension of the list of conditional

Opposition between belligerent rights and neutral claim to freedom of navigation. Necessity of reconciling these opposing principles.

Mr. Gibson Bowles' eight specific instances of abandonment of belligerent rights.

(1.) Seizure for breaking blockade outwards.

(2.) Lists of contraband.

⁽¹⁾ [v. *supra*, pp. 356-8, §§ 16 (1) to (8).]

⁽²⁾ [Marginal note by Mr. Hurst: "There is only *one*, so far as I know: the 'General Hamilton,' 6 C. Rob. 61.—C. J. B. H."]

contraband and leaving it to the belligerent in each case to decide what he will treat as contraband.

10. Mr. Gibson Bowles finds fault with the translation of the opening words of Articles 22 and 24. A footnote to those articles explains the difficulty experienced in giving a literal translation. We fell back upon the real sense, and rendered that, rather than the precise words, which, in English, would not have conveyed that sense. "*Sont de plein droit considérés comme contrebande*" has been rendered by "may without notice be treated as contraband." Mr. Gibson Bowles wants to have "are treated" (*sont considérés*) instead of "may be treated," but our English version is really correct. One might say "are as of right considered contraband," but this conveys no clear idea in English. We substitute "without notice" for "*de plein droit*," and "treated" for "*considérés*." These changes involve the necessity of using "may be" instead of "are." In fact, the articles "*are*" considered contraband, but it would be incorrect to say they "*are*" treated as contraband. For it is specially provided in Article 26 that there are cases in which goods, although they are still "*considered*" to have the character of contraband, they are not treated as contraband. On this point Mr. Gibson Bowles had not taken a sufficiently wide view.

11. He considers the "free list" as excessive. But he would find it difficult to discover any decision of a British prize court by which the right to treat as contraband any article included in that list was ever admitted. This is one of the clearest instances of the possibility to secure the freedom of neutral commerce on a firm basis so long as it does not interfere with the legitimate rights of the belligerent. It has never been the legitimate right of the belligerent to treat as contraband of war anything and everything that he may be pleased to declare contraband, or, more particularly, any of the articles enumerated in our free list. What we have done is to obtain definite recognition by the other Powers of the rules which, in this respect, our own governments and courts have always upheld.

12. To read § 19⁽³⁾ of Mr. Gibson Bowles' paper, one would suppose that no penalty whatever attached to the carriage of contraband in quantity less than one half of the ship's cargo. I do not suppose he meant to give that impression. When he says that under the declaration a vessel may with impunity carry 3,000 tons of arms and ammunition provided she carries another 3,000 of raw cotton, &c., he must, as he has presumably read article 40, be understood to mean merely that the vessel itself [*sic*] will not be confiscated unless the contraband exceeds one half the cargo. But of course the contraband itself is confiscated, and the ship is detained, often for a long period, involving loss of freight and other profits. Moreover the ship will, under the Declaration, have to bear the costs and expenses incurred by the captor in respect of the proceedings in the prize court and of the custody of the ship and cargo during such proceedings. It is clear therefore that it is only with a rather important mental reservation that the ship can be said to be able to carry out such an operation as Mr. Gibson Bowles refers to, "with impunity." Nor would it be just to say—Mr. Gibson Bowles does not explicitly say it though he rather leaves it to be inferred—that the new rule is more favourable to neutrals than the old British rule. The practice of our prize courts hitherto was never to condemn (i.e., confiscate) the vessel itself except in cases where deliberate fraud was proved on the part of owner or master (false papers or destruction of papers). Under the new rule, a ship may be condemned even when there was no such deliberate fraud, merely because the contraband carried amounted to more than one half of the cargo. In fact the new rule is in one way more severe, and in another way less severe, than the old. But it is clearly not the case that the new rule makes it "still harder—so much harder as to approach the impossible—for England to stop contraband [trade] with the enemy."

13. Mr. Gibson Bowles curiously misstates, probably unintentionally, the purport of Article 38 of the Declaration, when he says that "a vessel which has carried

Alleged fault
in translation.

The "free
list" not
excessive.

(3.) Penalty
for carriage of
contraband.

Liability of
vessel after
completion of
her voyage.

(³) [*v. supra*, p. 356, § 16 (3).]

contraband may not be captured after the committal of the offence." That sounds as if vessels could only be captured before they commit the offence. What Article 38 provides is that a vessel may not be captured on the ground that she has carried contraband "on a previous occasion," if such carriage is in point of fact at an end. To this rule Mr. Gibson Bowles may object, but he cannot do so on the ground of its being an innovation. It has been the rule observed by Great Britain, and also, I believe, by all other Powers hitherto.

14. In his § 20⁽⁴⁾ Mr. Gibson Bowles deals with the question of the sinking of neutral prizes. His remarks on this point are not very logical. This is, I think, due to his failure to distinguish clearly between the belligerent and the neutral point of view. He admits that the new rule *curtails* the rights of neutrals. To that extent he ought to welcome it, as the purport of his whole paper is to object to concessions being made to neutrals. But he says, and here he is right, that the new rule favours, not merely the belligerent at the expense of the neutral—a matter on which Mr. Gibson Bowles cannot look as a grievance—but the weaker belligerent at the expense of the stronger, inasmuch as the latter loses the chance of recapturing the prize on the voyage to a national port. But although this cannot be denied, it does not at all follow that recognition of the right to sink places Great Britain in this respect in a less favourable position than if she refused to recognize it. Great Britain, it may well be urged, loses something, *quâ* neutral. For if she had not recognized the right she would be entitled to oppose, by force if necessary, the sinking of British merchant vessels, being neutrals, by a belligerent. It is unnecessary here to show why in existing circumstances, the new rule is, in this respect, not so harmful as has sometimes been asserted; for this aspect of the case is not brought forward in Mr. Gibson Bowles' paper.

(4.) Sinking of neutral prizes.

15. But what is Great Britain's position when she is herself at war? The right to sink neutral prizes is claimed by nearly all the important naval Powers. It is therefore clear that whether we recognize the right or not, those Powers, if at war with us, will certainly authorize the sinking of neutral ships carrying contraband to Great Britain. Against such action we should have no remedy whatever other than pursuing the war in which we were already engaged. In what way, then, can it be said that any belligerent right that we possess has been abandoned or weakened?—But whilst it is clear that there is here no question of the abandonment of belligerent rights, it is no doubt very much to the interest of Great Britain to secure that whilst she is at war, neutral trade with British ports should continue untrammelled as far as possible. With this view, His Majesty's Government accordingly made every endeavour to restrict the right to sink neutral vessels as far as possible. In this they have been successful. By laying down that no neutral vessel shall be sunk unless she carries contraband to the extent of over half her cargo, or is guilty of other offences involving liability to confiscation by a prize court, and then only in exceptional circumstances of which the prize courts shall be the judge, the right to sink has been very materially curtailed.

16. This curtailment has evidently not been appreciated by Mr. Gibson Bowles; otherwise he would not have made the mistake of discovering an alleged inconsistency ("muddle," he calls it) between article 49 on the one hand and articles 44 and 54 on the other. He says: "the former allows of destruction by the captor, while the two latter give to the captor the right to require delivery of 'confiscable goods,' and on their delivery declares that 'the master (of the neutral) must be allowed to continue his voyage.'"

Alleged discrepancy between provisions respecting sinking of prizes and delivery of contraband goods to captor.

17. There is of course no inconsistency or difficulty here. The right to destroy the vessel, which is enunciated in article 49, is limited to cases of vessels which, owing to the nature of their offence, are liable to confiscation by a prize court. Articles 44 and 54, on the other hand, expressly deal with those cases only where the vessel is not liable to confiscation. The cases are alternatives, and involve nothing contradictory whatever.

(4) [*v. supra*, pp. 356-7, § 16 (4).]

Declaration does not give encouragement to indiscriminate sinking.

18. When Mr. Gibson Bowles further characterizes Article 49 (authorizing the destruction of neutral vessels in certain circumstances of an exceptional nature) as "in itself monstrous" on the ground that "it authorizes the captor to constitute himself a prize court of first instance and to condemn his prize to be sunk at will," he allows himself to be carried away by rhetoric, and ceases to be accurate. The article lays down the conditions under which a vessel may be sunk, just as other articles lay down when a vessel may be captured. In either case the action of the captor must be duly justified afterwards before a prize court, and if he is found to have acted wrongly, compensation follows. But it is absurd to suggest that Article 49 allows the captor to sink a prize at will or to constitute himself a prize court of first instance. The limitations placed on the right to sink are very strict. A captor may disregard them. He may deliberately sink vessels, in circumstances which in no way justify such action, knowing that he is committing an illegal act. He may consider that the interests of his country at the moment are best served by the immediate destruction of a vessel, even if heavy compensation may ultimately have to be paid. But in so destroying a vessel he does not act under Article 49. He violates it. The danger of rules being violated in war is always existent. But this is surely not the fault of the rules. Nor is the risk confined to this particular rule. The remedy is either to prevent illegal proceedings on the part of the enemy by force, or to provide for proper adjudication and penalties afterwards. The former remedy lies in the hands of a Power sufficiently strong at sea. For the second remedy the Declaration makes due provision. The whole indictment in § 20⁽⁵⁾ of Mr. Gibson Bowles' paper is beside the point.

(5.) Transfers to neutral flag.

19. The rules adopted on the subject of the validity of transfer to a neutral flag represent, again, a compromise. A compromise of some sort is indeed forced upon us by the fact that our interests are themselves divergent. On the one hand it is important that an enemy should not be allowed to make a fraudulent transfer of his merchant vessels to another flag in order "to evade the consequences which would be entailed on his ships by their belligerent character." If this were our only object in view we might well have accepted the rigorous doctrine advocated by several of the continental Powers, according to which no transfers during a war, or during a period of two months preceding it would be held valid. But we had also to consider that it is a very important interest of this country to be free to carry on the large and valuable trade which consists in buying and selling ships despite of being engaged in a war. A right that we want to claim ourselves, must also be conceded to others, and in so far as the maintenance of this right conflicts in a certain sense with the principle of preventing transfers on the part of a possible enemy, the necessity of a compromise can hardly be disputed. Both the Admiralty and the Board of Trade are of opinion that the particular compromise embodied in the Declaration of London is a satisfactory one from the point of view of the divergent British interests involved.

20. The particular point which Mr. Gibson Bowles attacks is that all transfers are recognized as valid if made at least 30 days before the outbreak of war. He maintains that this renders it harder for England to capture enemy vessels fraudulently pretending to be neutral, than would have been the case under the old British rule which makes the validity of a transfer dependent "on all the circumstances." This is however an illusion. The contention is only made plausible by Mr. Gibson Bowles' quoting an incomplete passage from article 55 of the Declaration, which becomes misleading in the process. He says that "transfer . . . is now declared to have an 'absolute presumption of validity' if effected more than thirty days before the outbreak of hostilities," and he calls this a hard and fast "condition." Nobody on reading this would guess that the article adds a very important proviso. The words of the article are: "there is an absolute presumption that it [i.e., the transfer] is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising

(5) [*v. supra*, pp. 356-7, § 16 (4).]

from the employment of, the vessel remain in the same hands as before the transfer." Now, the words here underlined [*sic*] describe in detail the conditions which had to be fulfilled under the old British rules, as applied by our prize courts, if a transfer was to be recognized as *bonâ fide*. In other words: in a case in which the conditions now laid down in article 55 of the Declaration of London had been duly fulfilled, our prize courts would not, under the old rules, have questioned the validity of the transfer, any more than can be done in future under the new rule. The idea that a change for the worse has been introduced, is therefore not correct.

21. In dealing with the question of enemy property, Mr. Gibson Bowles attempts to make out that an important and fatal concession has been made in agreeing to the general principle that the neutral or enemy character of goods is determined by the neutral or enemy character of the owner. He maintains that, apart from the character of the owner, there are other elements to be considered, such as "the origin of the property, the character of the trade, and the method of conducting the trade." The whole of this passage (§ 22⁽⁶⁾) is rather confused. What Mr. Gibson Bowles urges does not seem to amount to more than declaring that, in determining the character of the owner, domicile ought to be considered. His assertion that all the valuable principles upheld by Lord Stowell and other judges in this respect, have "with inconceivable levity been thrown to the winds," seems to rest on the assumption that the neutral or enemy "character" of the owner must practically always be determined by nationality. This is of course not the case. On the contrary, the question whether such character shall be determined by the test of nationality or by the test of domicile formed the subject of endless discussions at the naval conference, and was finally left an open one because no agreement was possible.

22. It is still more difficult to understand the drift of Mr. Gibson Bowles' argument in the passage where he says: "Under this new rule, ownership of neutral 'character' would give immunity to goods under enemy flag or enemy pass, goods which have hitherto been held to be thereby stamped with a hostile character." This looks as if Mr. Gibson Bowles believed the law at present to be that all goods on board an enemy vessel are enemy goods;—which is clearly wrong. Neutral goods on enemy ships are expressly declared free under the Declaration of Paris.

23. As regards the allusion to goods under "enemy pass," this can only refer, I presume, to neutral vessels engaging in a closed trade of the enemy under special licence. But this is a question on which no concession has been made. It has been expressly left open (see Article 57, 2nd paragraph of the Declaration).

24. It is equally unintelligible to me what is meant by the alleged difference of treatment accorded to enemy goods under Articles 46 and 58 respectively. But whatever may be the merits of Mr. Gibson Bowles' criticisms in the whole of this particular matter, he seems to have overlooked that the question of enemy character is not one of vital importance to us. In a naval war in which England is engaged, it is to be expected that very little neutral property will be afloat in enemy ships after a short time. Most enemy ships will be driven off the seas, and such as remain are not likely to be entrusted by neutral merchants with their goods. As the question of the neutral character of goods only arises when such goods are captured on board enemy vessels—all goods being free under the neutral flag (except contraband)—it follows that whatever rule is adopted for the determination of such character, it is highly improbable that there will be much opportunity to apply it. Hence, even if the rule eventually adopted by the international court should not be altogether satisfactory; its application could do but little harm in practice.

25. The new rule recognising the immunity from search of vessels under national convoy, does undoubtedly involve a formal concession on our part. This is admitted. But the reasons for such concession were fully explained and justified in § 18 of the general instructions to the British delegates at the naval conference (Bluebook, "Mis[cellaneous] No. 4 (1909)"), and it seems unnecessary to repeat the arguments

(⁶) [*v. supra*, p. 357, § 16 (6).] —

there set out. It may however be added that, just as we have on all recent occasions waived the right which in theory we theretofore claimed to search neutral vessels under the convoy of their own flag, because we could not, whilst engaged in a war, afford to increase the number and strength of our enemies by offending powerful neutrals who do not recognize the right, so we shall be compelled to act similarly in future wars. And further, whilst such waivers of our right had formerly to be made unconditionally, the immunity of the convoyed vessel being claimed to be unconditional, we have now succeeded in getting accepted certain rules which do at least impose some sort of check upon arbitrary and fraudulent action on the part of convoying ships.

26. In § 24⁽⁷⁾ of his article Mr. Gibson Bowles argues that, by agreeing to the provision that a ship's papers "are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers," we have precluded ourselves from ever inquiring into the genuineness of the ship's papers. This view might be pardonable on the part of a casual reader of the text alone of the declaration. But, as a matter of fact it is an error, and a reference to Monsieur Renault's report which constitutes the official and authoritative commentary on the declaration, ought to have set Mr. Gibson Bowles right. The explanations there given respecting the meaning of the term "ship's papers" in Articles 32 and 35 clearly show that it is only if the papers are genuine, and the evidence contained in them true, that they must be accepted as conclusive indication of the ship's destination. Mr. Gibson Bowles' arguments as to the greater ease with which seizure could in future be evaded by the carriage of false papers, accordingly fall to the ground.

27. The statement in § 26⁽⁸⁾ of Mr. Gibson Bowles' paper that the international prize court "is to deliberate with closed doors and in secret" might give the impression that the proceedings in the court were conducted "in camera." The prize court convention stipulates (Article 39) that the proceedings shall be public, unless in a particular case one of the parties demands that the public be excluded. This proviso was agreed upon at the time on the ground that at a moment when popular passions may be highly inflamed by a war actually in progress, it might become imperative in the general interest to prevent bellicose appeals, manifestations, or ebullitions, in public, on the part of counsel who may be tempted to believe that violence of rhetoric and recrimination would further the cause of their clients. It was however clearly understood that publicity of proceedings would be the rule. On the other hand the deliberations of the fifteen judges among themselves, for the purpose of considering and drafting their award, are to be held in private. Nor is it easy to see how this could properly be avoided. So far as I know, the same rule applies generally in courts of appeal, and other courts consisting of several judges sitting together, and it is obviously a salutary one.

28. In conclusion, Mr. Gibson Bowles strongly protests (§§ 29-31⁽⁹⁾) against the theory that the provisions of the Declaration of London, in so far as they mark a departure from the existing international law as hitherto recognized by the British courts, can be enforced without the authority or approval of parliament. This is a legal question of much importance, respecting which His Majesty's Government have not, so far as I know, come to a definite decision. It will presumably have to be referred in due course to the Law Officers of the Crown.

EYRE A. CROWE.

(7) [*v. supra*, p. 358, § 16 (8).]

(8) [*v. supra*, p. 358, § 18.]

(9) [*v. supra*, pp. 359-60, § 21-23.]

(8.) Ships papers as evidence of destination.

Alleged secrecy of proceedings in international prize court.

Question of Parliamentary sanction.

Sir Edward Grey to His Majesty's Representatives in countries not Signatories of the London Declaration which were invited to the Second Peace Conference.⁽¹⁾

F.O. 371/801.

35496/35496/09/50.

(Circular.)

Sir,

Foreign Office, September 22, 1909.

1. The failure of the second Peace Conference to arrive at an understanding respecting the questions of contraband and blockade and other important subjects connected with naval warfare has constituted a serious obstacle in the way of securing general submission to the jurisdiction of the International Prize Court which was to be established under the convention negotiated to this effect at The Hague in 1907. It is provided in article 7 of that convention that, in the absence of treaty stipulations applicable to the case, the court shall apply the rules of international law, and, if no generally recognised rule exists, give judgment in accordance with the principles of justice and equity. It seems hardly necessary to enlarge upon the importance of the point that if, in the unhappy event of a naval war, the International Prize Court is to fulfil to general satisfaction the great duties imposed upon it, there must be substantial agreement as to the rules which are to govern the decisions in the cases brought before it. It was not until the phraseology of article 7 had been accepted at the second Peace Conference that the serious divergences between the Powers on many of the questions on which the court would have to adjudicate made themselves felt, and it therefore became a matter of great concern to all who were interested in its creation that an agreement should, if possible, be arrived at on those questions.

2. The protracted and unfruitful discussions which ensued at The Hague made it apparent that there was little prospect of such an agreement being realised by any attempts—such as were unsuccessfully made in the committees and sub-committees of the Peace Conference—to secure general acceptance for a series of propositions or stipulations to be arrived at by way of deductions from abstract theories of international law and advocated largely for reasons of policy or particular national interests. A renewed and detailed examination of the question convinced His Majesty's Government that the only practicable means of at present bringing about an agreement would be to endeavour to formulate the rules actually applied by belligerents and generally accepted in the past. These considerations prompted His Majesty's Government to invite to a conference in London the principal naval Powers in whose prize courts the decisions have been given which constitute the main source of our knowledge and guidance in these matters, and whose rights as belligerents would, moreover, be most seriously affected by the contemplated appeals from national tribunals to the International Court. The invitation was also extended to the Netherlands in due recognition of the exceptional position occupied by the country whose capital has been the meeting place of the two Peace Conferences, and is to become the seat of the International Prize Court.

3. With the object of facilitating the task of preparing a set of rules respecting naval warfare which should embody the common principles of international law as hitherto observed in practice, the several governments were invited, before the conference met, to exchange memoranda setting out concisely what each held to be the existing law on the subject. The information so obtained revealed an extent of common ground which enabled the British Government to prepare, as a basis for the discussions of the conference, a draft declaration, in which they endeavoured to harmonise as far as possible the views and interpretations of the accepted law of nations to which the several governments had given expression. In the process of settling the terms of this document it was found—as had been anticipated—that

⁽¹⁾ [For the number of these countries, *v. supra*, p. 222, No. 193.]

certain divergences apparent in the theories and doctrines upheld in various countries had, in many cases, not been maintained in the practice actually followed, at least in more recent times. It also became manifest that the fresh interpretation which must inevitably be placed on many old rules under the altered conditions of modern navigation and warfare, had the effect of still further diminishing differences which formerly had been acute, but which, under the influence of changed circumstances, seemed no longer incapable of reconciliation. Most of the existing rules dated from a time when the operations of naval war as well as all oversea commerce were carried on in sailing-vessels of comparatively modest dimensions, and when transport by rail and communication by electric telegraph were unknown. Opposing sets of rules evolved under such conditions and tenaciously upheld and developed by rival schools of national jurisprudence during long periods happily marked by an absence of any occasion to put them afresh to the real and only effective test of war, could be shown, in not a few instances, to have become practically meaningless and inapplicable. In many such cases it sufficed to go back to first principles in order to see that the opposition of doctrines had become unreal and that the apparent discord readily dissolved, to give way to a harmony of conception which naturally and logically involved a close approach to unity of practice.

4. The draft prepared by His Majesty's Government having met with a favourable reception on the part of the Powers consulted, the conference met in London on the 4th December last. Its labours culminated in the unanimous adoption, and the signature by all the Powers represented, of an instrument known as the Declaration of London, containing the rules which the signatory Powers agree henceforth to observe and to regard as in substance corresponding with the generally recognised principles of international law applicable to the questions of blockade, contraband, unneutral service, the destruction of neutral prizes, transfers to a neutral flag, and various minor matters. On two questions only did the conference fail to reach an agreement, namely, the question of the legality of the conversion of merchantmen into war-ships on the high seas, and the question whether the nationality or the domicile of the owner should be regarded as the dominant factor in deciding whether property has a neutral or enemy character.

5. In article 70 of the Declaration, the signatory Powers have formally recorded the particular importance which they attach to the general recognition of the rules as now formulated, and the Government of His Britannic Majesty is charged with the duty of inviting the Powers not represented at the conference to accede to the declaration. In pursuance of this provision, I request you to communicate the accompanying copies of the records of proceedings of the conference, together with the text of the Declaration, to the Government to which you are accredited, and to express the earnest hope that, recognising the correctness, justice, and impartiality of the conclusions therein embodied, and mindful of the value of investing the rules of naval warfare with the supreme authority of the general assent of all nations, they will be ready to co-operate to this end by acceding to the Declaration in due time. I shall not fail to notify at the earliest possible moment the date of the first deposit of ratifications, which must of course precede any formal acts of accession.

6. It will no doubt be observed that the provisions now submitted for the acceptance of the non-signatory Powers differ in many respects from the proposals on the same subjects which were laid before the second Peace Conference in 1907. Speaking for themselves, His Majesty's Government desire to explain that, in making this apparent departure from their previous attitude, they have been actuated by the considerations above explained in favour of seeking a definite and immediate agreement on the basis of the existing law. But they hold that assent to the declaration of London in no way precludes the signatory or acceding Powers from entering at a future date into fresh agreements introducing, as between the contracting parties, such changes or developments of the rules now acknowledged to be in force, as further deliberations, and a renewed study of the issues involved, may convince them to be desirable and practicable.

7. You are authorised to communicate a copy of this despatch to the Minister for Foreign Affairs.

I am, &c.

E. GREY.

[ED. NOTE.—As regards the Declaration of London there is an important Foreign Office "Memorandum by the Earl of Desart respecting the effect of some of the provisions of Declaration of London, 1909," dated December 14, 1910. (F.O. 371/1031. 45215/2202/10/50.) It is too technical for reproduction here.

The following periodicals contained articles of or letters of importance on the Declaration under the dates given—*Daily News*, Jan. 24, Jan. 25; *Economist*, Jan. 28, Feb. 4, March 11, 18; *Investors' Review*, Jan. 28; *The Navy*, March; *Westminster Gazette*, Jan. 24–5, Feb. 1, 7, 14, 21, 22, 27, 1911. Some criticisms of the Declaration of London by Chambers of Commerce and other public bodies, with replies by the Foreign Office, are printed in *A. & P.* (1910), LXXIV, (Cd. 5418), pp. 133–60, and (1911), CIII, (Cd. 5718), pp. 113–31. The Naval Prize Bill, based on the Declaration, was passed by the House of Commons at its Third Reading on December 7, 1911, by 172 votes to 125 votes, *Parl. Deb.*, 5th Ser., House of Commons, vol. 32, p. 1716, but rejected by the House of Lords on December 12, 1911, by 145 votes to 53 votes, *Parl. Deb.*, 5th Ser., House of Lords, vol. 10, p. 894.]

No. 309.

Professor J. Westlake to Sir Ernest Satow.

Private.⁽¹⁾

Dear Sir Ernest Satow, 3, *Chelsea Embankment*, S.W., April 15, 1910.

L'ennemi in Articles 30 and 34 of the Declaration of London can only mean *the enemy state*, that being the regular meaning of the phrase in French when there is nothing in the context to qualify it. No one but the state can so embody the enemy as to be described by that name with the definite notice and without qualification. In Article 30, the *territoire de l'ennemi* means, therefore, *the territory of the enemy state*; and in Article 34, for the same reason, *fournit à l'ennemi* means *furnishes to the enemy state*. This, I can assure you, will cause no difficulty to any one accustomed to discuss and to think of these matters in French, although the meaning might have been plainer to others if, in Article 34, *l'administration ennemie* had been said instead.

From your remark that you "do not know how H.M.G. are going to get over that," I gather that you have not seen the statement made by Sir E. Grey in the H[ouse] of C[ommons] on 5 April, 1909. He said:—

"I cannot admit that there is any ambiguity as to the meaning of Art. 34. It is made clear, both by Article 33 on which Article 34 is dependent and by the general official report of the conference, that the word *ennemi* in Article 34 can only mean the enemy Government. It is evident however that if the point had been raised at the time it would have been made perfectly clear in the drafting, and we therefore propose to make a declaration at the time of the ratification that the word *ennemi* in Article 34 means the government of the enemy."⁽²⁾

This is in the *Times* of 6th April, 1909, and is quoted on p. 552 of Dr. Pearce Higgins's "Hague Peace Conferences etc.," which I find to be the most useful English edition of the documents with a commentary. That the proposed declaration will put the more concrete *government of the enemy* in the place of the more abstract *enemy* will strike no one abroad as a falsification or inconsistency, but only

(1) [Private Correspondence of Sir Ernest Satow, in the possession of Harold Temperley.]

(2) [*v. Parl. Deb.*, (1909), House of Commons, Vol. 3, pp. 1121–2. The date of the statement was April 6, and the report in the *Times* was on April 7.]

as being natural to an Englishman, and it is not to be apprehended that the declaration will hinder the exchange of the ratifications.

If the London Library should not possess the *evidence* volumes of the Royal Commission on Food Supply, I shall be happy to send you, *as a loan*, the pages containing Professor Holland's and my evidence.⁽³⁾

I must apologize for the scrawl which I am sending you, but I have no private secretary, and you will therefore understand that I cannot recopy.

Yours sincerely,

J. WESTLAKE.

⁽³⁾ [*v. A. & P.*, (1905), XXXIX, (*Cd.* 2644), pp. 459-72.]

CHAPTER LXVII. BELGIAN NEUTRALITY.

No. 310.

Memorandum by Mr. [Sir] E. Hertslet.⁽¹⁾

Memorandum of the Circumstances which led to the conclusion of separate Conventions with France and Prussia in August 1870, for the Maintenance of the Independence and Neutrality of Belgium.

Foreign Office, April 8, 1872.

On the 15th July, 1870, M. Ollivier and the Duc de Grammont, made their celebrated declarations in the French Chambers which were considered tantamount to a declaration of war by France against Prussia, although the formal declaration was not issued until the 19th of that month. On the same day on which those speeches were made in the French Senate, the Duc de Grammont told Lord Lyons, that he had assured the Belgian Minister that, so far as France was concerned, it was quite unnecessary for Belgium to watch her railways, or go to any expense to protect herself, as "He had," he said, "solemnly assured the Belgian Minister that absolute respect for the neutrality of Belgium would be a fundamental principle in the eyes of the French Government if France went to war; and that France would respect the neutrality of Belgium under all circumstances 'quand même.'"

The warm thanks of Her Majesty's Government were at once conveyed to the Duc of Grammont for this spontaneous declaration on the part of the French Government, and Lord A. Loftus was at the same time instructed to express to Count Bismarck a hope on the part of the British Government that Prussia would also scrupulously respect the Treaties of neutrality to which she was a party. Before this instruction reached Lord A. Loftus, he had reported that Baron Thile had informed him that, in the event of war between France and Germany, the neutrality of Belgium and Luxemburg, which had been guaranteed by Treaty, would be scrupulously respected by Prussia. July 18, 1870.

Nevertheless, Lord A. Loftus obeyed the instructions which he had received from Lord Granville, by announcing the spontaneous Declaration which the French Government had made; to which communication M. Thile replied that the Government of the North German Confederation had expressed on three different occasions (naming them) their determination to respect the neutrality of Belgium. War was, as has been stated, formally declared by France against Prussia on the 19th July, 1870. Lord A. Loftus;
July 23, 1870.
M. de Lavalette;
July 22, 1870.

On the 21st of the same month the French Ambassador in London called upon Lord Granville and communicated to his Lordship the substance of a despatch which he had received from the Duc de Grammont. To Lord Lyons;
July 21, 1870.

In that despatch the Duke said "The first duty of the Imperial Government had been to reassure Belgium. The Emperor had written to the King, and the Belgian Government had been informed, that their neutrality would be respected by France, *so long as it was not infringed by Prussia.* The same language had been held to Switzerland and Luxemburg. Holland has expressed her desire to maintain a neutral attitude, and the Imperial Government have announced their satisfaction at the declaration. These were proofs," he said, "of the moderation of the Imperial Government, the more so as they had thereby renounced an important mode of attack on Prussia—namely, through Belgium and Luxemburg, and the British Cabinet might, therefore, rest assured as to their intentions towards neutrals."

⁽¹⁾ [For a reference to this memorandum *v. Gooch & Temperley*, Vol. I, p. 94, *Ed. note*, where an extract is given from an earlier memorandum by Mr. [Sir] Edward Hertslet, dated July 9, 1871, and to other papers on Guarantees. The text of the present memorandum is taken from the copy printed for the use of the Foreign Office in February 1873. The original manuscript draft is in F.O. Belgium 336. With the exception of one point noted on p. 373, it differs from the printed version only in capitalisation and punctuation.]

The Duc de Grammont said, further, in his despatch, that "the Imperial Government were confident that no feeling of mistrust existed on the part of the British Government as to their intentions, and that the rumour of British troops being dispatched to occupy Belgium was totally void of foundation; and that those who set afloat such a rumour seemed not to be aware that such a proceeding, if it were possible, would be contrary to the very principle they claimed to affirm."

On the 25th (July) a document entitled "Proposed Treaty between France and Prussia" appeared in the "Times."

In this project it was proposed—

1st—That France should recognize the acquisitions which Prussia had made in her recent war against Austria and her Allies.

2nd—That Prussia should facilitate the acquisition of Luxemburg by France.

3rd—That France should not oppose a limited Federal Union of Germany.

4th—That in the event of the Emperor of the French being obliged by circumstances to cause his troops to *enter Belgium or to conquer it*, the King of Prussia would grant the succour of his arms to France, and would sustain her with all his forces by land and sea against every power which in that eventuality should declare war upon her; and,

5th—That to insure the complete execution of these arrangements, an offensive and defensive alliance should be formed between France and Prussia.

The publication of this projected Secret Treaty caused great uneasiness, and attention was at once drawn to it in Parliament; when Lord Granville stated his conviction in the House of Lords that both France and Prussia would be induced immediately and spontaneously to explain to Europe all that concerned this matter.

The French Ambassador at once called upon Lord Granville, and stated that the plan contained in the alleged Draft Treaty published in the "Times," was one which had been originated by M. de Bismarck; and that it had been the subject of some conversation with M. Benedetti, but that it never had any serious basis, and was rejected by both parties. A notice respecting it was also inserted in the "Journal Officiel," but this was generally considered as "vague and meagre."

The Prussian Government stated that the Draft Treaty only contained one of the numerous propositions which had been made to Prussia since the Danish conflict up to recent times through official and non-official French agents, in order to bring about a Treaty between Prussia and France, for the object of mutual aggrandizement, and, Count Bismarck added, in his note to Count Bernstorff (which was officially communicated to Lord Granville), that he had reason to believe that, if this publication had not taken place, France would have proposed to Prussia, after the completion of her own and Prussia's preparations for war, to enforce Count Benedetti's programme at the head of the two armies against unarmed Europe, that is to say, *conclude peace at the expense of Belgium*.

The anxiety which generally prevailed on the subject was consequently not removed by these or subsequent statements, and Lord Granville, therefore, addressed the following despatch to Lord Lyons (and a similar despatch, *mutatis mutandis*, to Lord A. Loftus):—

"The Government of the Emperor have already been informed of the satisfaction with which His Imperial Majesty's declaration of respect for the neutrality of Belgium was received by that of Her Majesty.

"They have received a similar assurance from the King of Prussia of a determination on his part to respect the neutrality of Belgium, but they perceive that both the Emperor and the King subject their respective assurances to the condition that it is observed by the other, which seems to indicate an opinion on their part that the declaration of each is not complete."

"There can be no doubt of the obligation upon both these Powers to observe a Treaty which they have severally entered into with Great Britain and other

July 26, 1870.

Hansard, Vol.
[203. 3rd series],
p. 181*
July 25, 1870.

July 23, 1870.

To Lord Lyons
July 30, 1870.
[No. 153. F O
France. 1792.]

Powers. But if the Imperial Government, determined on their part to maintain the neutrality of Belgium, would desire to receive an assurance that the British Government on their part are equally determined to do so, Her Majesty's Government are prepared to record in a solemn act, either Treaty or Protocol, their common determination.

"I have written to the same effect to Her Majesty's Ambassador at Berlin.

"Her Majesty's Government are persuaded, although they have not communicated with them on the subject, that the other parties to the existing Treaty of Guarantee would readily adopt a similar course.⁽²⁾ I need scarcely remark on the extent to which such an engagement, even in the midst of war, would serve to relieve the general anxiety which at present not unnaturally disturbs the minds of the neutral Powers."

This proposal having been acceded to both by France and Prussia, separate Treaties were signed with each of those Powers a few days later.

It was stated in the preamble that the Contracting Powers were desirous of recording, in a solemn act, their fixed determination to maintain the independence and neutrality of Belgium as provided in the VIIth Article of the Treaty of 19th April, 1839, between Belgium and the Netherlands, and which Article was declared by the Quintuple Treaty of the same date to be considered as having the same force and value as if textually inserted therein; and it was further recorded that the separate Treaty then about to be concluded (with France and Prussia respectively) was to be considered as subsidiary and accessory to the Quintuple Treaty of 1839, without impairing or invalidating its conditions.

The Treaty with Prussia was signed at London on the 9th of August, 1870, and with France also at London on the 11th of August following; and the ratifications of both were exchanged on the 26th of August.

The provisions, *mutatis mutandis*, ran as follows:—

“ARTICLE I.

“His Majesty the King of Prussia, having declared that, notwithstanding the hostilities in which the North German Confederation is engaged with France, it is his fixed determination to respect the neutrality of Belgium, so long as the same shall be respected by France, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on her part declares that, if during the said hostilities the armies of France should violate that neutrality, She will be prepared to co-operate with His Prussian Majesty for the defence of the same in such manner as may be mutually agreed upon, employing for that purpose her naval and military forces to insure its observance, and to maintain, in conjunction with His Prussian Majesty, then and thereafter, the independence and neutrality of Belgium.

“It is clearly understood that Her Majesty the Queen of the United Kingdom of Great Britain and Ireland does not engage herself by this Treaty to take part in any of the general operations of the war now carried on between the North German Confederation and France, beyond the limits of Belgium, as defined in the Treaty between Belgium and the Netherlands of April 19, 1839.

“ARTICLE II.

“His Majesty the King of Prussia agrees on his part, in the event provided for in the foregoing Article, to co-operate with Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, employing his naval and military forces for the purpose aforesaid; and, the case arising, to concert with Her

(2) [The printed memorandum has here a sentence as follows: “Austria and Russia were invited to accede to these Treaties, and their replies were generally favourable; but they did not formally accede to them—(see Mr. Gladstone's speech, 10th August, 1870. [*v. Parl. Deb.*, 3rd Ser., Vol. 203, pp. 1699–1701.])” It appears as a marginal note on the manuscript draft.]

Majesty the measures which shall be taken, separately or in common, to secure the neutrality and independence of Belgium.

“ARTICLE III.

“This Treaty shall be binding on the High Contracting Parties during the continuance of the present war between the North German Confederation and France, and for *twelve months after the ratification of any Treaty of Peace* concluded between those Parties; and on the expiration of that time the independence and neutrality of Belgium will, so far as the High Contracting Parties are respectively concerned, continue to rest as heretofore on the 1st Article of the Quintuple Treaty of the 19th of April, 1839.”

A preliminary Treaty of Peace was signed at Versailles on the 26th of February, 1871, and on the 16th March a further Convention was concluded for insuring the execution of the Preliminaries of Peace, and the ratifications of this Convention were exchanged at Rouen on the 1st of April, 1871.

The definitive Treaty was concluded on the 10th of May, and the ratifications were exchanged on the 20th May, but as the Treaties between this country and France and Prussia were only to remain in force for one year after the ratification of “any Treaty of Peace,” they may be said to have expired on the 1st of this month.

In accordance therefore with the stipulations of the Treaties of August 1870, the independence and neutrality of Belgium now rest as heretofore on the 1st Article of the Quintuple Treaty of 19th April, 1839.

Debates took place in Parliament on the subject of these Treaties on the 8th, 9th, and 10th August, 1870.

E. HERTSLET.

Foreign Office, April 8, 1872.

[*ED. NOTE.*—The question of the neutrality of Belgium was raised in 1885 in a conversation between Prince Bismarck and Sir Philip Currie. It was recorded by the latter in a memorandum of which a summary is printed by Lady Gwendolen Cecil in her *Life of Robert Marquis of Salisbury*, Vol. III (1931), pp. 257–61. The conversations were dated September 28–30, 1885. The following extract may be given (p. 259):—

“In a later conversation, the Chancellor complained that any treaty with England was uncertain since, when there was a change of Ministry, it might not be considered binding. Sir Philip denied this, and asked him if he could say, in fact, that England had proved less faithful to treaties than other nations. He answered that he could not say that—but there was the Luxemburg Treaty which the Minister of the day in England had explained away almost as soon as it was signed. ‘Would England fight if Belgium was attacked?’ he asked. Sir Philip replied ‘No doubt, if she had an ally,’ and reminded him of the steps taken by Mr. Gladstone’s Government in 1870 to secure the neutrality of Belgium. He said ‘Yes,—but new treaties were thought necessary.’ Sir Philip then repeated that, ever since he had been at the Foreign Office, Belgium and Constantinople had been looked upon as questions about which England would fight.”

In 1887 an important correspondence upon the British attitude on the maintenance of Belgian neutrality took place between Lord Salisbury and Lord Vivian, the British Minister at Brussels. On January 31 Lord Vivian wrote to Lord Salisbury after a conversation with M. Beernaert, the Belgian Prime Minister, in which reference was made to the possibility of the renewal of the special engagements undertaken in 1870 for the defence of Belgian neutrality. At the same time on January 25, and again on February 1 and February 2, Lord Lyons reported the growing anxiety of the French Government as to the possibility of a war with Germany. At the beginning of February the alarm of the Belgian Government was aroused by an article in the *Standard* signed “Diplomaticus” which appeared on February 4. A full account of this is given by Lady Gwendolen Cecil in her *Life of Robert Marquis of Salisbury*, Vol. IV (1932), pp. 55–62. The alarm was communicated to Lord Vivian by Prince de Chimay on February 5. The former reported as follows (Lord Vivian to Lord Salisbury No. 33 of February 5, 1887. F.O. Belgium 498):—

“I advised His Excellency not to attach any importance to a Newspaper Article as it was a mistake to suppose that the ‘Standard’ or any other Paper was the official or even

inspired organ of Her Majesty's Government. In reply to a further question from Prince de Chimay, I said that I had duly reported to Your Lordship the substance of what he and Monsieur Beernaert had told me respecting the preparations that the King's Government were making to defend the Neutrality of Belgium in case of need, in reliance on our support, but that Your Lordship had made no observation thereon. His Excellency seemed disappointed at my answer. . . ."

On February 20, Lord Vivian reverted to the subject (Despatch No. 54, F.O. Belgium 498), and said that "The only crumb of comfort I have been able to give him [Prince de Chimay] has been an assurance that Your Lordship had confirmed my repudiation of the responsibility of Her Majesty's Government for the views expressed in Newspaper Articles." Then on February 26 (Despatch No. 60, F.O. Belgium 498), Lord Vivian wrote to Lord Salisbury as follows:—

"Although I understand from Your Lordship's silence that Her Majesty's Government consider it inopportune or inexpedient to express any opinion on the validity of the Treaty Guarantee of the neutrality of Belgium, or to commit themselves in any way as to their future policy, I believe that Your Lordship would wish to be kept well informed of the position of affairs here.

A report, to which the Articles in the 'Standard' have lent some colour, has been eagerly propagated by the Radical press, that an understanding has been come to with Germany, either with the connivance of the Belgian Government, or behind its back, by which Germany would secure a right of passage for her troops through Belgium in return for an undertaking to restore her independence at the conclusion of the war and perhaps to compensate her for her complaisance at the expense of France.

This report, whether manufactured here or at Paris, has appeared in the Newspapers and has been strongly commented on by the Radical press which has not hesitated to impute complicity in the scheme to The King, whom it suspects of German proclivities. The inherent improbability and absurdity of this rumour is apparent. No Government in Belgium would ever dare to lend itself to a scheme which, while certainly ensuring its own immediate and ignominious downfall, would seriously compromise the position of the King and probably provoke a revolution. . . ."

This despatch was sent by Lord Salisbury to Lord Lyons for his information on February 12 and to Sir E. Malet, then Ambassador at Berlin, on February 16. No further correspondence appears to have taken place on the matter. Lady Gwendolen Cecil (Vol. IV, pp. 61-2) refers to a private letter from Lord Vivian also asking for information, but states that this, like the despatches, was left unanswered.]

No. 311.

Memorandum by Mr. Eyre Crowe.

Memorandum respecting Belgian Neutrality and Great Britain's Obligation to Defend it.⁽¹⁾

F.O. 371/400.

39953/39953/4/08.

Foreign Office, November 15, 1908.

The neutralization of Belgium was effected by two treaties signed in London on April 19, 1839. One of these was concluded between Great Britain, Austria, France, Prussia, and Russia, on the one hand, and Belgium on the other; the second, being, 'mutatis mutandis,' identical with the first, between the same 5 Great Powers and the Netherlands.

These treaties comprise, each, three articles, of which the second provides that certain articles annexed to the treaty are to be regarded as integral parts thereof and are accordingly "placed under the guarantee" of the sovereigns parties to the treaty.

⁽¹⁾ [This memorandum was written on the following questions asked by Sir Edward Grey: "How far would England's liability under the Treaty guaranteeing the neutrality of Belgium be affected, if (1) Belgium acquiesced in a violation of her neutrality; (2) if the other guaranteeing Powers or some of them acquiesced?"]

The 24 articles forming the Annex treat of the territorial status, &c., of Belgium and Luxemburg. Article 7 runs as follows :

“ La Belgique, dans les limites indiquées aux articles 1, 2, et 4, formera un état indépendant et perpétuellement neutre. Elle sera tenue d’observer cette même neutralité envers tous les autres états.”

The juridical aspect of the matter therefore is this : Upon Belgium is imposed the obligation to observe neutrality at all times and towards all States. The fulfilment of this obligation is guaranteed by the 5 Great Powers and the Netherlands.

It will be convenient to consider first the 2nd alternative situation indicated in Sir E. Grey’s inquiry, viz. :

“ how far would England’s liability under the treaty guaranteeing the neutrality of Belgium be affected, if the other Powers, or some of them, acquiesced in a violation of that neutrality? ”

The case, as put, presupposes that Belgium is not a consenting party to the violation. She will, therefore, necessarily appeal to the guaranteeing Powers against the aggression of a State which is likely to be one of their number. These Powers are clearly bound in such a case to make good their guarantee, if the guarantee has any practical meaning at all. There is nothing in the words of the treaty to indicate that the guarantee is an exclusively collective one, that is to say that if one guarantor fails, none of the others are bound. Any such view would, on the contrary, make the treaty obligation of the guaranteeing Powers, in practice, nugatory. For it is obvious that the only real danger of a violation of Belgian neutrality, under the political conditions prevailing at the time of signature, and still existing practically unchanged, lies in the possible action of one of the guaranteeing Powers themselves. If it were held that the cooperation of all the guaranteeing Powers was an essential condition of the liability of any one of them to make good its guarantee, then the liability could never arise in any contingency that has any probability of presenting itself,—which cannot be supposed to have been the intention of the signatories.

It must therefore be concluded, and this is also the common sense view of the matter, that the acquiescence of one or more of the guaranteeing Powers in a violation of the neutrality of Belgium, protested against by Belgium herself, does not absolve the other guaranteeing Powers from the obligation to make good their guarantee. Perhaps the obligation could be most appropriately expressed in legal phraseology, by saying that the guaranteeing Powers are “ jointly and severally ” liable.*

The conditions of the problem are materially changed in the situation which underlies the assumption made in Sir E. Grey’s first question :

“ How would England’s liability be affected if Belgium acquiesced in a violation of her neutrality? ”

The wording of article 7 of the Annex to the treaty of guarantee makes it quite clear that for Belgium to acquiesce in such violation would constitute a repudiation on her part of her engagement under that article. Technically, and on a strict construction of the treaty, there appears to me to be no doubt that even in this contingency the guaranteeing Powers remain liable for the fulfilment of the treaty stipulation that Belgium shall remain perpetually neutral.

It might, nevertheless, seem, at first sight, that, whatever the actual words of the treaty, the Powers cannot reasonably be held bound to vindicate a guaranteed right in favour of a party which freely desires to abandon such right.

A closer examination however of the political conditions in which the treaty originated will show that the question must be viewed differently. If it were the

* See, however, on this point, the Law Officers’ opinion of August 6, 1870. [*v. infra*, pp. 378–9.]

case that the neutrality of Belgium was a purely Belgian interest which the guaranteeing Powers were anxious, out of friendship for her, to uphold, then no doubt it would be absurd to expect that the Powers should go out of their way to enforce that neutrality when Belgium no longer desired it. But this is not really the situation. The neutrality of Belgium was guaranteed not merely because it was a Belgian interest, but because it was an interest of the guaranteeing Powers. Indeed it is difficult to imagine why, otherwise, so onerous an engagement should have been entered into. It follows that the obligation of the guarantee was incurred not alone, nor exclusively, as towards Belgium, but also as towards the other guaranteeing Powers. If, then, the neutrality is violated, with the connivance of Belgium, each of the guaranteeing Powers has the right to call upon its co-partners to join in enforcing the maintenance of neutrality, and such an appeal could not be refused without thereby repudiating the engagement solemnly undertaken by the fact of the guarantee.

The validity of a treaty concluded between a number of Powers does not, unless this be specifically stipulated, cease on one of the signatories violating or repudiating it. Were this otherwise, then, in the present case, the very violation of Belgian neutrality by one of the guaranteeing Powers would suffice to nullify the whole treaty. In other words, the sole contingency which the treaty was designed to meet, would, if it arose, automatically abolish or abrogate the treaty.

The case may perhaps be convincingly illustrated by a concrete example: Supposing Belgium were, with her own consent, during a Franco-German war, overrun by Germany. Would not France be entitled to call upon Great Britain to make good her guarantee that Belgium should remain perpetually neutral? Would not Holland be entitled to make the same demand?

It seems to me that only on the assumption that all the other guaranteeing Powers, and also Belgium herself, acquiesced in the violation of neutrality, would Great Britain be absolved from her liability. Even then she would of course retain her *right* to oppose the violation of neutrality, as being an infringement by the other Powers of their obligation to herself.

The above observations deal with the legal aspect of the matter.

From the point of view of policy, it is not difficult to imagine a situation in which the enforcement of Belgian guarantee by the employment of British forces would be an extraordinarily difficult and troublesome affair. If for instance both France and Germany simultaneously violated the neutrality, or, again, if France and Germany agreed, whilst remaining at peace with each other, to divide Belgium between them, how could Great Britain effectively reply to an appeal for assistance from Belgium? But difficulties of execution are no sufficient ground, legally and morally, for repudiating an obligation freely undertaken, though they may justify or excuse extreme caution in cho[osing] the mode and time of action.

I conclude that Sir E. Grey's questions should be answered by the following proposition:

Great Britain is liable for the maintenance of Belgian neutrality whenever either Belgium or any of the guaranteeing Powers are in need of, and demand, assistance in opposing its violation.

E. A. C[ROWE].
Nov[ember] 15, 1908.

Foreign Office, November 15, 1908.

MINUTES.

The liability undoubtedly exists as stated above, but whether we could be called upon to carry out our obligation and to vindicate the neutrality of Belgium in opposing its violation must necessarily depend upon our policy at the time and the circumstances of the moment. Supposing

that France violated the neutrality of Belgium in a war against Germany, it is, under present circumstances, doubtful whether England or Russia would move a finger to maintain Belgian neutrality, which [sic] if the neutrality of Belgium were violated by Germany it is probable that the converse would be the case.

C. H.

I am much obliged for this useful minute; I think it sums up the situation very well, though Sir C. Hardinge's reflection is also to the point.

E. G.

Annex.

The Law Officers of the Crown to Earl Granville.

Temple, D. August 6, 1870.

My Lord,

R. August 15, 1870.

We are honoured with your Lordship's commands signified in Mr. Hammond's letter of the 3rd instant, stating that he was directed by your Lordship to transmit therewith the Treaty concluded on the 19th April, 1839, between Great Britain, Austria, France, Prussia, and Russia, by the 1st Article of which the independence and neutrality of Belgium, as stipulated in the 7th Article of the Treaty signed on the same day between the Netherlands and Belgium, was guaranteed by the five Powers; and he was to request that we would report our opinion at our earliest convenience whether such guarantee is joint or several, and whether the refusal or incapacity of one or more of the guaranteeing Powers to act on their guarantee liberates the remaining Powers from their obligation to do so.

In obedience to your Lordship's commands we have taken the said Treaty into consideration, and have the honour to

Report—

That we are of opinion that, if the Treaty is to be construed by the rules which govern the construction of contracts by the law of this country, the guarantee is a joint one.

We must point out, however, that the only effect of this construction of a guarantee given by several persons is, that the party entitled to enforce it has to sue all the guarantors jointly. He may, however, enforce the whole of the debt or damages against any one guarantor, who in his turn is able to enforce contribution from his co-guarantors. The term joint-guarantee by no means imports that the guarantee of each is conditional on all the others performing their contract, and that upon one or more refusing to do so the others are released. No such construction would be placed on any guarantee, unless such an intention were clearly expressed in it.

Applying these rules of our municipal law (which we believe to be substantially in accordance in this respect with that of most civilized countries), we reply to Mr. Hammond's second question that the refusal or incapacity of one or more of the guaranteeing Powers to act does not, in our opinion, liberate the remaining Powers from the obligation to do so.

We are quite sensible that other considerations than the strict rules of the municipal law of any country may be applicable to the construction of Treaties. We cannot help thinking, however, that to hold the obligation of each of the five Powers conditional on all the others fulfilling their obligations (a proposition which would lead to the consequence that, if France invaded Belgium, all the other Powers would be thereby released from their obligations to Belgium), would be opposed to the real meaning of the Treaty on any sound principles of construction.

Whether, in the event of none of the co-guaranteeing Powers choosing to co-operate with us, Belgium could reasonably expect Great Britain to undertake

single-handed a war against great continental Powers, is a question into which other elements enter than the strict construction of the Treaty, and on which we do not presume to give an opinion.

We have, &c.

R. P. COLLIER.

J. D. COLERIDGE.

TRAVERS TWISS.

No. 312.

Sir F. Bertie to Sir Edward Grey.

F.O. 371/666.

5308/5308/09/17.

(No. 60.) Confidential.

Paris, D. February 7, 1909.

R. February 9, 1909.

Sir,

I have the honour to transmit to you herewith, a despatch which I have received from Lieutenant-Colonel H. C. Lowther, Military Attaché to this Embassy, relating to the probable action of Belgium in the event of a War between France and Germany.

I have, &c.

FRANCIS BERTIE.

Enclosure in No. 312.

Lieutenant-Colonel H. C. Lowther to Sir F. Bertie.⁽¹⁾

Confidential.

Sir,

Paris, February 6, 1909.

I have the honour to report to Your Excellency as follows.

In the course of conversation with my Spanish colleague here, who is also accredited to Brussels, he made some remarks which bear on an important subject and which may be worth further investigation.

He said that, in the event of war between France and Germany, Belgium had—to the best of his belief—decided to throw in their lot with Germany and that they had, as the saying is, “put their money on that power.” They were well aware that they were totally unable to defend their neutrality and thought that they would come better out of a conflict between their two powerful neighbours by joining that which they judged to be the more powerful than by being content to lie between hammer and anvil.⁽²⁾

In this connection I may add that General Chamoin, commanding the 1st infantry division at Lille, told me a few days ago that it was his fixed opinion that the big battles of the next war must inevitably be fought in Belgium. That the defences of both France and Germany along their mutual frontier were so strong that no big force could cross the line without losses quite out of proportion to the advantages to be gained, and that therefore one Power or the other would be obliged to strike across the territory of their humble neighbours.

General Chamoin made no reference to the possibility of Belgian antagonism beyond that of their occupying Antwerp and the forts of the line of the Meuse, and backing this passive attitude by a solemn protest against the violation of their neutrality.

⁽¹⁾ [The original of this despatch was sent to the War Office. The text given above has been taken from a copy preserved in the Foreign Office Archives.]

⁽²⁾ [The Spanish Government have requested the insertion of a note to the effect that “the Spanish Government are unable to vouch for the veracity of statements which may be made by their officials in conversation with friends.”]

General Chamoin also told me that the contemplated strengthening of Maubeuge and the other works on the north-eastern frontier had been carried out, and that all the large war-games played in the 1st Army Corps command turned on an advance through Belgium.⁽³⁾

I have, &c.

H. C. LOWTHER,

Military Attaché.

⁽³⁾ [The French Government have requested that a statement should here be inserted to the following effect :—

“ The above document describes an interview of a technical and private character which took place between the British Military Attaché in Paris and a French General Officer who was only in a position to give expression to personal opinions such as are wont to be put forward in any private conversation upon the assumption that it will never be reported officially.

“ The position of the French Government concerning the possibility of the entry of French troops into Belgium is defined in the note which appears on page 244 of Volume II (February 8th–May 10th, 1912) of the third series (1911–14) of the ‘ Documents respecting the origins of the war of 1914—French Diplomatic Documents (1871–1914).’ ”]

No. 313.

Mr. Chilton to Sir Edward Grey.

F.O. 371/666.

7984/5308/09/17.

(No. 28.)

Sir,

Brussels, D. February 25, 1909.

R. March 1, 1909.

I have the honour to report that I have had conversations lately with several officers of various ranks in the Belgian army respecting Belgium's position in the event of a war between France and Germany, which formed the subject of your despatch No. 10 (5308) Secret of the 15th instant,⁽¹⁾ and they seem to be generally of opinion that if Belgium could put 200,000 men into the field that she could keep a French or German invading army at bay for a fortnight, or at any rate until the other Power could throw her troops into Belgium.

It seems to be generally hoped that France would be the first to cross the frontier, or, if it was a near thing, that the Belgian Government would try to make out that French troops were the first to violate Belgium's neutrality, which rather bears out the Spanish Military Attaché's belief that Belgium had decided to throw in her lot with Germany. At any rate there seems to be not the slightest doubt in the minds of all Belgians that in the event of war between her two great neighbours, France and Germany, neither of them would hesitate for a moment to violate the neutrality of this country. Although they are not a particularly patriotic nation the Belgians desire to remain a nation and do not wish their country to become part of Germany or France, and they intend to make as brave a defence as possible against an invading army, not so much because they hope to be victorious as because they trust that their bravery might be recognised by the Powers at the end of the war and that they would be more likely, if they defended themselves well, to avoid a “ partition ” or the loss of their national rights.

I have the honour to transmit, herewith, copy of a manifesto to the Belgian People, in the event of a Franco-German war, which was being largely sold in the streets of Brussels some days ago.⁽²⁾

I have, &c.

H. G. CHILTON.

⁽¹⁾ [Not reproduced. This despatch forwarded to Brussels the immediately preceding document. (F.O. 371/666. 5308/5308/09/17.)]

⁽²⁾ [Not reproduced.]

*Extract from Minutes of Committee of Imperial Defence.*114th Meeting, August 23, 1911.⁽¹⁾

Mr. Churchill asked whether the Germans might not extend their right further into Belgium.

Extension of the German right to the left bank of the River Meuse.

General Wilson said that to do this the Germans must either infringe the neutrality of Holland or take Liege. This fortress was strong, but normally its garrison was very weak—700 to 1,000 men—which was quite inadequate to defend it. It was possible, therefore, that the Germans might take it by a *coup de main*. But they could not hope to capture Huy or Namur or Antwerp in the same way. That portion of their force advancing along the left bank, that is north, of the Meuse would accordingly have to guard its right against the fortress of Antwerp, and if it had entered Belgium through Dutch territory without having captured Liege, it would have to mask that fortress, while in its further advance it would be separated from its main body by the fort of Huy, the fortress of Namur and by the River Meuse. This would be dangerous. Moreover, although the Belgians would possibly be content to protest against the violation of their southern provinces, they would almost certainly fight if the Germans were to invade northern Belgium as well. The Belgian field army would number 80,000 men.

On the whole front the broad result was that, although the Germans could deploy 84 divisions against the French 66 and the garrisons of their frontier fortresses, the Germans could not concentrate their superior force against any one point. Our 6 divisions would therefore be a material factor in the decision. Their material value, however, was far less than their moral value, which was perhaps as great as an addition of more than double their number of French troops to the French Army would be. This view was shared by the French General Staff. Sir Edward Grey agreed that our military support would be of great moral value to the French. . . .⁽²⁾

Value of the intervention of the British Army.

Mr. Churchill asked whether the Germans had not sufficient force to attack each gap and to march through Northern Belgium as well.

General Wilson said that that was so, but their difficulty was that the march through Northern Belgium was a dangerous operation, and would require so many men to mask the Belgian Army and the Belgian fortresses that if the figures were carefully examined, it would be found that in present circumstances no advantage and a good deal of risk would accrue to the Germans by taking this course. In ten years' time they would have so many men that they certainly would be able to press their attack all along the line and march through Northern Belgium as well with additional divisions in reserve at rail head.

Future increase in strength of the German Army.

Sir John French said that he had always understood that the object which the German General Staff had in view when they decided to fortify Metz, was to enable them to send larger forces through Belgium to turn the French left. The war garrison of Metz was 70,000, and there were 51,000 men there in peace. Any French advance would now have to be made between the fortresses of Metz and Strasburg and would no longer be worth while attempting.

German advance through Northern Belgium.

Mr. Churchill said that it seemed to him that the Germans might wait until say the 20th day, or so long as was required to assemble the necessary numbers, and then advance upon a broad front. He did not think that they need fear attack by the Belgians.

Sir John French said that he was inclined to agree with Mr. Churchill.

(1) [For other points, *v. Gooch & Temperley*, Vol. VII, p. 629, *Ed. note* and references given there. *v. also* pp. 632-4, No. 641, and *encl.*]

(2) [The omitted paragraphs give some further discussion chiefly as to possible roads.]

Belgian Army
not negligible.

General Wilson said that the Belgian Army, though small, could not be ignored, and its strategical position upon the German flank was strong.

Mr. Lloyd George said that he agreed. Even if the Belgians did not attack, while the Germans were advancing the Germans were bound to make provision against their doing so, if the course of events should prove adverse to Germany.

Sir Edward Grey said that the greater the reserve manifested by the Belgians at the outset, the more nervous would the Germans be as to their ultimate intentions.

The German superiority in numbers would be counterbalanced to some extent by the disadvantage of fighting in the enemy's country.

Mr. McKenna added that the Germans would also be handicapped by their longer lines of communication. . . .⁽³⁾

(³) [The discussion then became purely technical.]

No. 315.

Mr. G. Watson to Sir Edward Grey.

F.O. 34714/31843/11/4.

(No. 106.) Confidential.

Sir,

Brussels, D. September 2, 1911.

R. September 4, 1911.

I have the honour to report that the Belgian press has published many reports regarding military preparations, some of which have been true, though most of them have been false. I therefore took advantage of a visit which I had to make to General Jungbluth to refer to their various contradictions. General Jungbluth is, as you are aware, the Confidential adviser of the King and at the same time occupies a position equivalent, I think, to that of Commander in Chief of the Belgian army.

He said that France and Germany were armed and prepared and it was right that Belgium should make all military preparations short of actual mobilisation, so that if mobilisation became necessary, all would be in readiness for that step. Most of the measures which were being taken were normal and would have been taken in any case. In the neighbourhood of Liège and Namur however certain preparations were being made, which were dictated solely by the present strained international situation. Though optimistic about the present course of the negotiations at Berlin, he said that it was felt that the slightest incident might bring on war. He was confident about the pacific intentions of the German Emperor who during his visit to Brussels last year convinced the King of his genuine ambition to gain the title of "peacemaker." General Jungbluth said that the Emperor moreover would be forced to keep the peace because the economic and financial situation in Germany would not allow him to bring about war. France in his opinion had never been so rich as at the present moment and she could raise 20 corps d'armée to Germany's 23. He added that King Albert had not left for the Tyrol before he became convinced that peace would be maintained and about August 28th he had received reassuring information from Germany. He did not give the source of this information.

The French Military Attaché is at a loss to understand why these preparations which were not made two months back, should suddenly be made at the present moment. No class of reservists has so far been called, *i.e.* not even the first step towards mobilisation has been taken.

The neglect of the Meuse forts was so great as to lead one to suppose that the Belgian Government did not intend to defend her neutrality in case her territory were violated. This neglect has been made public by the press and the present Government is being violently attacked in consequence. The Liberal party had previously drawn attention to the absence of military preparations in debates in the Senate and the present action of the Government may be due to this warning.

The German Minister left to-day on 6 weeks leave of absence and the German Military Attaché is also leaving shortly. Other absentees include the French Chargé d'Affaires who has gone to Normandy for a few days for private reasons and the Belgian Prime Minister, who is also in France.

I have, &c.

H. GRANT WATSON.

No. 316.

Mr. G. Watson to Sir Edward Grey.

F.O. 35106/31843/11/4.

(No. 108.) Confidential.

Sir,

Brussels, D. September 5, 1911.

R. September 6, 1911.

With regard to the military preparations which are being carried out in Belgium, I have the honour to report as follows:—

The Belgian Government were nervous about the international situation for at least three weeks after the German coup at Agadir. The King postponed his annual visit to Bavaria on that account.

On the 20th and 25th of July the Liberal party interpellated the Government in the Senate on account of their alleged neglect of the national defences.

On August 11th the Belgian manœuvres were cancelled.⁽¹⁾

Almost simultaneously with the receipt by the Belgian Government of reassuring news and the consequent departure of the King, military preparations were made to enable Belgium to carry out her obligations as a neutral and orders were given that the mobilisation exercises of the forts should take place early in September.

The military preparations do not appear to be unusual but it is difficult to explain why they should have been made so late.

The French Military Attaché to-day said that for those who understand the "mentalité des Belges" it is not surprising that precautions which should have been taken two months ago, should be taken now and that the present movement may well be due to the anxiety of the Belgian Government in the past. I feel certain, however, that it is due to a large extent to the desire of the present Government to disarm their opponents at the coming elections by proving that they have taken adequate steps to safeguard the neutrality of Belgium.

I should add that on Saturday night the German Legation here was painted with antimilitary inscriptions. The paint was very adhesive and the servants of the Legation had great difficulty in obliterating it.

I have, &c.

H. GRANT WATSON.

MINUTE.

Mr. Watson's suggestion that the Belgian preparations are a preliminary move may not be far from the truth.

W. L.

E. G.

⁽¹⁾ [*cp. Gooch & Temperley, Vol. VII, p. 487, Ed. note.*]

No. 317.

Mr. G. Watson to Sir Edward Grey.

F.O. 37273/31843/11/4.

(No. 118.) Confidential.

Sir,

Brussels, D. September 22, 1911.

R. September 23, 1911.

I have the honour to enclose, for favour of transmission to the War Office, a report as marked in the margin⁽¹⁾ which has been addressed to me by Lieut[enant-]

⁽¹⁾ [M.A. Bel[gium], No. 16.]

Colonel Bridges, Military Attaché to this Legation, on the subject of a conversation which he has had with General Jungbluth on military matters.

I have, &c.

H. GRANT WATSON.

Enclosure in No. 317.

Lieutenant-Colonel Bridges to Mr. G. Watson.⁽²⁾

(No. 16.) Confidential.

Sir:—

Brussels, September 22, 1911.

I have the honour to report for the information of the War Office that I had an interview yesterday with the Chief of the General Staff of the Belgian Army, Lieutenant-General Jungbluth.

In reply to my query as to whether he could give me any further information as to Belgian military preparations, His Excellency said that, as it was Belgium's duty to be ready to defend her neutrality, all possible steps had been taken that could be justified by the situation.

Speaking of the semi-official statement in the Press that it had been decided to call up 3 classes of the Militia, he said that at the Cabinet Council at Laeken, (mentioned in my M. A. Belgium 15 of 19th September⁽³⁾) the weight of military opinion had been opposed to this measure which would give us much trouble and be as provocative of as much remark as the calling up of the maximum numbers. It was therefore decided to prepare for a general mobilization only, *i.e.*, for the calling up of a far larger number of classes, and this could now take place at the shortest possible notice.

The class of 1909, due for dismissal on the 15th September of this year, had been retained with the colours indefinitely, but, as all the men with the exception of those belonging to the garrisons at Liège and Namur were now on leave, this did not greatly affect them, and it was hoped as the international situation cleared up to be able to send them to their homes.

His Excellency said that his information was excellent. He had retired officers living at various places across the frontier who kept him informed. (He instanced one at Aix-la-Chapelle who reported frequently.) Owing to their lack of technical knowledge, civilians could not be relied upon for information in a crisis and he considered that we were perfectly justified in using officers for this purpose.

He was fully aware of the measures that had been taken by France and Germany and both countries had reduced their time for mobilization. The Germans had their transport ready and could now, he thought, mobilize in 5 days. But it was obvious that troops on manœuvres and on strike duty were not in a fit state to take the field and would have to return to their peace stations to mobilize. Should movements take place that betoken mobilization he would hear of them at once.

The Belgians had a complete cordon round their frontiers of gendarmerie, douane officials and others who furnished him with daily reports. Should a foreign soldier cross the frontier, he would be stopped, warned and turned back and if persisting would be fired upon. Such an occurrence would be reported at once by telephone or telegraph and the British Legation at Brussels would be informed.

If such an event should occur the Belgian cavalry would be at once sent to the frontier. The necessary bridges had been prepared for demolition and guarded.

His Excellency considered Liège and Namur safe against attack. He had been for years governor of the latter place and knew the former well. The War Minister was commencing that day a detailed inspection of each work in both places.

⁽²⁾ [The original of this despatch was sent to the War Office. The text given above has been taken from a copy preserved in the Foreign Office.]

⁽³⁾ [Not reproduced.]

I enquired as to the state of feeling in this country. His Excellency said that the Germans were not loved in Belgium, more particularly in Antwerp where they were most numerous, nor had their popularity increased during the present negotiations.

As the General is in daily and intimate touch with the King, as head of his Military Household and the mentor of his youth, his (General Jungbluth's) personal view of the situation may be of interest. He thought a war unlikely. To say nothing of the strategical conditions, the financial situation in Germany was so bad that this fact, coupled with bad harvests, drought and general depression would make a war most impolitic for her. France, on the other hand, was richer than ever and public opinion firm. The French press was a dangerous factor in the situation and it must not be forgotten that a Frenchman was capable of anything. A war would certainly mean a change of régime for France. If victorious they would set up a Dictator, if vanquished, submit to a Commune.

It may be remarked that the General boasts no French or Belgian blood, having had an English mother and a German father.

He cordially invited me to come and see him at any time that I required information.

I have, &c.

T. BRIDGES, *Lieutenant-Colonel,*
Military Attaché.

No. 318.

Mr. Macleay to Sir A. Nicolson.

F.O. 39992/39992/11/4.

Very Confidential.

Dear Sir Arthur,

Brussels, September 29, 1911.

I take the opportunity of the bag which leaves on Saturday to give you an account of the steps I have taken so far to discover whether there is any foundation for the rumour which had reached the War Office of an understanding between Germany and Belgium in regard to the passage of troops by the former through Belgian territory and more especially through the South-eastern corner of the Kingdom, in the event of an outbreak of hostilities between Germany and France.

I was not able to see M. Davignon until the afternoon of the 25th instant as he had been out of town. In order not to lose time I determined to try to elicit some information from him at my first official visit. He received me very amiably and we had a long conversation covering the European political situation generally in the course of which M. Davignon expressed the opinion that the Moroccan question appeared to be nearing a favourable solution and that the acute stage of the Franco-German discussion was over. I waited for an opportunity and then remarked that I imagined that the question of the maintenance of Belgian neutrality must have caused the Belgian Government considerable anxiety and that I noticed that they had taken certain steps to strengthen their fortifications along the line of the Meuse and Sambre and to increase the garrisons at Liège, Namur and elsewhere.

M. Davignon replied that the Belgian Government had taken certain precautionary measures but that the nature of those measures had been somewhat misunderstood and exaggerated. They had not called up "les classes" (the Militia) though they had kept one contingent whose period of training had expired under arms. What they had done was to overhaul the arrangements in the various fortifications and see that everything was in working order "Mettre les choses à point" was the expression he used. "Nous voulions voir si la serrure fonctionnait bien!" They had taken precisely similar steps when matters looked critical during the Algeciras incident and at the time of the annexation of Bosnia and Herzegovina by Austria.

He hinted that any more elaborate preparations for defence might have evoked the resentment of Germany and France as indicating suspicions of their intentions in regard to Belgian neutrality.

I then said that I was not a soldier and did not pretend to understand these things, but, as His Excellency was aware, there seemed to be a general consensus of opinion though I did not know on what grounds it was based, that in the event of war between France and Germany the contending forces would be obliged to violate Belgian neutrality in so far that one side or the other, presumably the aggressor, would be bound, owing to certain technical necessities of the campaign, to march their troops through Belgian territory. M. Davignon said it was quite true that that theory was generally accepted. He attributed it to the works of the numerous military writers, especially the French experts, who had insisted on the point. I observed that it would appear possible for German or French troops to pass through the Duchy of Luxembourg and that portion of Belgian territory which lies to the south and east of Liège between the Meuse and the frontier of Germany and Luxembourg without coming within range of the Belgian lines of fortifications, and I asked M. Davignon what the Belgian Government would do supposing such an attempt were made by either of the Belligerents. He replied that he could assure me most positively that the Belgian Government were absolutely determined to resist invasion from whatever direction it might proceed and in whatever portion of the Kingdom it might be attempted. "I do not say" he added "that if the invasion took place in that corner of the Kingdom to which you refer we should make our last stand there or that we should die there to the last man. We should probably fall back under the pressure of overwhelming forces on the lines of our fortifications and attempt to hold out there. This, however, is a matter which concerns the Ministry of War who have made plans of campaign to meet every possible eventuality, and I cannot give you any details of these plans as they are kept secret and I do not know them myself; but one thing is certain that we shall attempt to oppose the advance of an invading army wherever it enters the Kingdom by all the means in our power and within the limits of our resources. The numbers of the full contingent of our army at war strength have been fixed with the special object of furnishing sufficient men to enable us to oppose a serious resistance to any neighbour who attempted to violate our neutrality."

M. Davignon then went on to say in an earnest and, I think, perfectly sincere tone—"we are determined to remain absolutely loyal to our treaty obligations, as we are convinced that it is only by adhering to such an attitude that we can expect the Powers who have guaranteed our neutrality to prove their loyalty to us." His Excellency subsequently remarked that the Belgian Government had never received any report nor had they themselves observed the slightest indication which might lead them to suppose that either France or Germany harboured any intention of violating Belgian neutrality.

Yesterday I had a conversation with Count de Manneville the French Chargé d'Affaires. I told him of the rumour which had reached us of an agreement having been arrived at between the Belgian and German Governments in regard to the passage of German troops through the particular part of Belgium in question and asked him whether he had any information and if he thought there was any truth in the story.

Count de Manneville told me that he had studied the question very carefully since he had been here and that although he had no positive proof that such an arrangement had not been concluded, he was convinced not only that no such agreement existed between the Belgian and German Governments, but that the former had no intention of compromising the neutrality of Belgium by a secret treaty with her eastern neighbour.

In support of this view de Manneville pointed out the very great risks which the conclusion of such a treaty with Germany would involve for Belgium even supposing the ultimate success of the German arms was assured. He did not think that any

Belgian Government would dare to expose itself to such risks and certainly not the present Government which admittedly was in a precarious situation and could only count on a majority of six in the Chamber. He also said that he was sure that King Albert would never countenance such a policy and though it was possible that King Leopold might have been induced to enter into a secret agreement with Germany he did not think that His Majesty would have considered the proposal unless Germany had offered him some very important personal advantages. Apart from an offer of support of his policy in the Congo it is difficult to see what personal inducement the German Government could have held out to His Majesty of a sufficiently attractive character to tempt him to reverse at one stroke of the pen the treaty engagements which have been the bedrock of Belgium's foreign policy and of her status in Europe since the foundation of the Kingdom.

I gave Count de Manneville an account of my interview with M. Davignon. He remarked that what the latter had told me of the steps which they had taken to put the fortifications of Liège and Namur in a proper state of defence was not quite true. There is no doubt that about a fortnight ago immediately after the sudden return of the King from Bavaria, the Government, doubtless at His Majesty's instigation, who was acting on the advice of General Jungbluth, decided to call up the reserves and take further important measures for the protection of the country against a possible invasion. The proposal to call up the reserves which had been decided upon at a meeting of the Cabinet on the 14th instant was, however never carried into effect, as it appears that some reassuring telegrams as to the condition of the Franco-German negotiations were received at this juncture from Baron Greindl, the Belgian Minister at Berlin, who had just returned to his post from leave of absence.

Finally Count de Manneville expressed the opinion that while the Belgian Government would in the event of an outbreak of hostilities between France and Germany and of an attempt by the latter to force her troops through the south eastern portion of the Kingdom undoubtedly endeavour to resist the invasion, we must expect to hear some voices raised in favour of the immediate withdrawal of the Belgian troops within the line of the Meuse forts and that there will not be wanting those who, with an eye to the anticipated eventual success of Germany, will advocate a somewhat lukewarm defence of the country's neutrality. I understood from Count de Manneville that he believes that the country will fight for her independence and for the maintenance of her neutrality but that the strength and the vigour of the resistance which she will oppose to the German invasion of her eastern frontier will depend on the assurances of support she will receive from His Majesty's Government and especially on the question whether England will be prepared to land troops in Belgium to assist in the repelling of the invaders.

Unfortunately this is a dead season here and every body is away from the Capital and consequently I have been unable to obtain the views of some prominent men such as Senator Wiener who takes a very great interest in all questions affecting the national defence. However, all the information which I have been able to collect points to the conclusion that no secret agreement has been concluded recently between Germany and Belgium and that the Walloon population of Southern Belgium would at once overthrow any Cabinet which attempted to conclude an arrangement of such a character with Germany. I have also reason to suppose that even the Socialist party in spite of their avowed anti-military principles would support the Government in a war for the defence of the country's independence.

As to the possibility of such a treaty having been concluded between Belgium and Germany some years ago on a previous occasion when trouble between France and Germany appeared imminent, besides the other arguments which I have adduced to show the improbability of such a serious step having been taken by Belgium, I think that we may feel assured that Baron Laruberont who directed the foreign affairs of this country for so many years and who was a sincere friend and admirer of England would never have consented to embark on such an adventurous policy and that he

would have resigned his post in the Ministry of Foreign Affairs rather than sanction such a flagrant violation of the treaty obligations of Belgium towards the Powers which have guaranteed her neutrality.

I must apologise for the inordinate length of this letter, but I have thought it best to give you a detailed account of M. Davignon's view as well as of the opinion expressed by my French Colleague. If I may venture to say so I think that the latter summed up the situation when he said that Belgium's attitude in the event of an attempt by Germany to pass troops through the Kingdom will in great measure be governed by the assurances of support which she may receive from us. The Belgians will turn to us I am certain if their neutrality is threatened, but at present they do not feel quite sure what response we will give to their appeal. Hence perhaps the somewhat apathetic and apparently inadequate nature of the measures recently adopted for their defence. I have, of course, been careful not to commit myself to any statement as to the attitude of His Majesty's Government in the matter.

Believe me, dear Sir Arthur,

Yours very sincerely,

RONALD MACLEAY.

No. 319.

Sir F. Villiers to Sir Edward Grey.

F.O. 41681/31843/11/4.

(No. 127.) Confidential.

Sir,

Brussels, D. October 19, 1911.

R. October 23, 1911.

I have the honour to forward an important and very interesting report by Lieutenant Colonel Bridges Military Attaché to His Majesty's Legation, upon the Military situation in this Country.

I have, &c.

F. H. VILLIERS.

Enclosure in No. 319.

Lieutenant-Colonel Bridges to Sir F. Villiers.⁽¹⁾

Confidential.

Sir,

Brussels, October 19, 1911.

I have the honour to submit for favour of transmission to the War Office some remarks on the military situation in Belgium at the present time.

I have divided my remarks under what I consider the more important headings, as follows:—

1. The capacity of resistance of the Meuse defences.
2. The strength and efficiency of the field army.
3. The fortress of Antwerp.
4. The spirit of the people and the army.
5. The attitude of the Government.

Without going into details which have been given in previous despatches, these points may be thus summed up.

1. Liège and Namur can fairly be regarded as safe from a *coup de main*, but are far from being in an efficient state of defence. There are no intermediate works between the principal forts, such as the ground demands, while the mobile reserves

⁽¹⁾ [The original of this despatch was sent to the War Office. The text given above has been taken from the *Confidential Print*.]

are weak, and have no field artillery, though a regiment of field artillery from the field army is destined for Liège as soon as accommodation has been provided for it. As the buttress of Belgium towards the east and the main obstacle in the natural line of advance on Paris, Liège should have a permanent garrison of at least 20,000 men capable of being mobilised on the spot, instead of some 4,000 in peace, and 15,000 in war as at present.

2. The field army, if mobilised to-day, would take the field with about 80,000 men, in four divisions. During the recent crisis, a tendency was shown to immobilise parts of it to strengthen Liège and Namur. The field army is already too weak for the task before it, and such detachments would soon paralyse its action. The officers are theoretically well trained, but owing to the ridiculously small peace effective (42,800 for the whole army), the standard of training in the ranks is necessarily low. All ranks suffer from the want of practical training in larger formations. A week in the field (the Belgian army could expect no more undisturbed) would do something towards correcting this, but would still leave the troops inferior in efficiency to any probable enemy.

At present the field army cannot, either in numbers or efficiency, be considered worthy of the country.

The fact that Belgium, with her nearly 8,000,000 inhabitants, a trade valued at 250,000,000*l.*, a relatively small national debt, and a budget of 30,000,000*l.* can only mobilise [*sic*] 180,000 men, would seem to mean that this country, more nearly menaced than any other in Europe, is insufficiently insured. As pointed out in the military chapter to the annual report on Belgium, 1910, it would be no hardship to the country to find an efficient army of 300,000 men, the existence of which force would have a distinctly steadying effect on the strategical balance in Western Europe.

3. At the present moment Antwerp, with its enormous perimeter of half-finished works, may be regarded as indefensible, though its garrison is fixed at 65,000 men. The Dutch project for fortifying Flushing has opened the eyes of the Belgians to the weak points of their national keep, and to the impossibility of receiving succour by way of the Scheldt without the co-operation of the Dutch. It would therefore seem that to hurry off the seat of Government, the Royal Family and Crown jewels to Antwerp at the outbreak of a war would only add to the inevitable and general confusion.

4. As to the spirit of the people, it must be borne in mind that the Belgians are a mixed community, commercial above all, and in spite of Tilly and Walloon tradition, not renowned as fighting men. Religious divergencies play a considerable part in their political and national life, and whereas the bulk of the Catholics may be classed as anti-French on religious grounds, the Liberals, daily increasing in number, are certainly more inclined towards the French than towards the Germans. The Agadir incident has tended to render Germany less popular here.

It is a distinct weakness to the army to be neutral, and to have to raise a fighting spirit at a few hours' notice against the first comer. Feeling, however, has come to regard Germany as the probable aggressor, and all eyes are now turned towards the western frontier. Whatever its weaknesses may be, the army would certainly do its best to loyally carry out any task allotted to it.

5. The attitude of the Government has been, and is likely to remain, the most variable and difficult factor of the problem. It seemed during the recent crisis (as reported in my despatches of the 11th August and 9th September, 1911⁽²⁾) that matters were allowed to remain phenomenally long in a state of unpreparedness, and that the impetus to do something came, not from the Government itself, but from the opposition and the Chief of the General Staff.

It must be remembered that the Catholic Government is not over-friendly to the French, and might conceivably have sympathies for her enemies. Such I believe to

(2) [Not reproduced. The originals of these despatches were sent to the War Office. No copies have been preserved in the Foreign Office.]

be the case with the present War Minister, General Hellebaut, and after his *exposé* of military matters in the Senate in July (see my despatch of the 26th July, 1911⁽³⁾), I must confess to regarding him with some suspicion.

Although it is scarcely conceivable that the Belgian Government should have any secret treaty with Germany, they are yet faced with the desirability of combining, as far as possible, the three following aims:—

1. To carry out the treaty obligations.
2. To preserve Belgium from becoming once again "the cockpit of Europe."
3. To be on the winning side.

The belief has been pretty general in Belgium that in the event of a war with France, Germany would be victorious on land, and Great Britain either too late (or even unwilling) to intervene. Feeling has at times run so high over the Congo question that certain sections of the people have believed that this difference of opinion would spread to our relations with Belgium in Europe, and even preclude our coming to her aid in time of war.

Holding such belief, and regarding Germany as the probable violator of their territory, and therefore the enemy, it is conceivable that a weak and pusilanimous [*sic*] Government would prescribe sufficient show of force to satisfy (1), and not enough resistance to draw the enemy further into the country than necessary, or incur his lasting enmity.*

The reward for such complacency might conceivably be, in the event of victory, a guarantee of some kind of future continuance to the kingdom.

Such arguments only hold good for a violation of territory (such as a German advance south of the Meuse), and not a direct attack, such as an onslaught on Liège, which would certainly rouse the country.

An efficient resistance on the part of the Belgians must inevitably draw the invader into the heart of the country, and subject it to all the horrors of war, entailing also conquest in the event of defeat.

It therefore follows that to play her part efficiently Belgium must be strong, stronger than she, in my opinion, is at present. The very weakness of her national defence is a temptation to her Government to play a double game, and though she is doubtless honestly willing to carry out her treaty obligations, it is open to grave doubt whether she is in a position to do so.

At the same time it must be noted that the position has improved considerably during the past few months, that people have been scared and irritated by German methods, and no longer hold the same views of Teuton military infallibility. At the present moment there is a chance for a strong Government to take advantage of these facts and substantially improve the national defences, a task in which they would be greatly aided by the restoration of Belgian confidence in the good-will and the might of Great Britain.

I have, &c.

T. BRIDGES,
Military Attaché.

(³) [Not reproduced. The original of this despatch was sent to the War Office. No copy has been preserved in the Foreign Office.]

* For these reasons it might happen that Belgian territory was violated, and the Government did not call upon the guaranteeing Powers for assistance.

*Memorandum by Mr. Hurst.**Attitude to be adopted towards Belgium in event of Germany Violating her Neutrality during Anglo-German War.*

F.O. 7014/7014/12/50.

Foreign Office, February 16, 1912.

In the event of war between England and Germany, whether with or without allies on either side, the economic weapon, *i.e.*, interference with German commerce, can be wielded in two ways :—

- (a.) The power of blockade, which cuts off *all* trade, whether British or neutral, with blockaded ports, but is limited by the factor that the ports blockaded must be German.
- (b.) The right to prohibit British subjects from trading with the enemy.

The possible scope for the application of the economic weapon depends to a great extent on whether Rotterdam and Antwerp are available as channels through which German commerce could pass. So long as Holland and Belgium be outside the theatre of war, there is very little possibility of interfering directly with German trade passing through these two great ports, though such trade would be seriously handicapped by the lack of available shipping and the congestion of business which would result.

The military member of the Sub-Committee of the Committee of Imperial Defence on trading with the enemy urges, however, that the violation of Belgian neutrality by Germany is so probable that Antwerp is not likely to be open to German trade.

It does not appear that the attitude which this country will adopt towards Belgium, in the event of the violation of the neutrality of the latter by Germany, has been considered. Assuming that, because of that violation, Great Britain considers herself as entitled to bring Belgium within the scope of hostilities, is she going to consider herself as coming to the assistance and protection of Belgium, or is she going to treat Belgium as an *opponent* because Belgium failed to prevent the violation of her neutrality, or is she going to ignore Belgium altogether, and merely regard Belgian territory as within the area in which she may carry on hostilities against Germany in the way in which Russia and Japan, fighting in Manchuria, ignored China?

The three possibilities may be put more shortly as follows :—

- (a.) Belgium a co-belligerent with Great Britain in opposing Germany.
- (b.) Belgium an enemy.
- (c.) Belgian territory in military occupation by Great Britain or her allies.

Which attitude is to be adopted makes a great deal of difference in considering what steps are feasible for preventing Antwerp from being a channel through which commerce can flow into and out of Germany.

A. Belgium as a co-Belligerent.

In this case trade going to or coming from Germany would be cut off on the eastern edge of the country, or at the eastern edge of the area which the Belgian military forces could hold. There would, therefore, be no need for Great Britain to take any action on the sea side, and any such action would be undesirable, because the effect would be to handicap, if not to ruin, *Belgian* trade more than German, and, consequently, would not be likely to help Belgium.

It is no use, however, making plans on this basis unless Belgium would, in the given circumstances, take up arms, and *would adopt the same view as Great Britain on the subject of trading with the enemy.*⁽¹⁾

B. *Belgium as an Enemy.*

The first question is whether it is consistent with the treaty obligations of His Majesty's Government to make war upon Belgium because she has failed to prevent the violation of her neutrality when she had no power to prevent it?⁽²⁾

If it is, another difficulty arises. The mouth of the Scheldt is in Holland, and its blockade, therefore, by naval forces involves the violation of Dutch neutrality by this country. To cut off the sea-borne trade of Antwerp without violating Dutch neutrality would entail an occupation of Belgian territory by our military forces. If Holland is also to be regarded as an enemy, the blockade could, of course, extend to Dutch territory, and the difficulty about Dutch neutrality disappears, but the cessation of British trade with Holland and Belgium as well as Germany would involve a serious shrinkage of the trade of this country, and might have far-reaching effects at home.⁽³⁾

C. *Belgium in Military Occupation by Great Britain or her Allies.*

The interference with German trade passing through Belgium would in this case come from its being prevented by force by the military forces on the spot, and there would be no need to attempt to interfere with it by applying the doctrine of trading with the enemy.

It may be impossible to define the attitude of this country with precision, but it would be desirable to know which of the above three alternatives it is desirable to work on.

Foreign Office, February 16, 1912.

⁽¹⁾ [Marginal comment by Sir Eyre Crowe: "This is an important consideration. It will however be difficult to make any reasonable forecast as to the attitude of Belgium on this point. E. A. C." This comment and those given immediately below were entered on Mr. Hurst's original draft, which was in the form of a minute addressed to Sir A. Nicolson. The minute was transformed into a memorandum as shown above as the result of a note by Sir A. Nicolson: "This is clearly a question for the Cabinet or the Committee of Defence to decide." In this form it was sent to the Committee of Imperial Defence on February 27.]

⁽²⁾ [Marginal comment by Sir Eyre Crowe: "This would depend upon what Belgium does. If she practically *invites* German invasion or clearly connives at it, it would be open to Great Britain and France to declare war on Belgium on such ground. E. A. C."]

⁽³⁾ [Marginal comment by Sir Eyre Crowe: "It has hitherto been considered that it would not be to our advantage to drive Holland from her position as a neutral. E. A. C."]

No. 321.

Minute by Sir Eyre Crowe.

Attitude to be adopted towards Belgium in event of Germany violating her Neutrality during Anglo-German War.

F.O. 9110/7014/12/50.

Foreign Office, March 10, 1912.

When the question of our attitude towards Belgium, in case of a violation of her neutrality by Germany, comes before the Committee of Imperial Defence, I gather from what Mr. Hurst tells me of the recent proceedings of the Sub-Committee on Trading with the Enemy, that there is a likelihood of the naval and military members taking the opportunity to express themselves strongly in favour of extending the blockade which we contemplate declaring in the North Sea, not only to the Belgian, but also to the Dutch coast from the very outset of the war.

2. It is not difficult to understand why such a step should appear advisable from a purely strategical point of view. The part which the blockade may be expected to play in the process of wearing out the enemy, by affecting his oversea trade, will be

larger or smaller according as trade with the enemy through neutral ports can be more or less effectively stopped or dislocated. So long as Holland and Belgium are neutral, the ports of Rotterdam and Antwerp, and, in a minor degree, Amsterdam, will be available as convenient channels for neutral trade with Germany. Obviously the closing of all Dutch and Belgian ports would materially increase whatever pressure can be put on Germany by the stoppage, or wide diversion, of her trade in neutral bottoms.

3. It may be that this advantage would be so decisive a factor in the process of crushing the enemy, that it must be held to outweigh any possible objection that might be urged against such a policy on other grounds. But this can only be established after carefully considering the more remote, direct and indirect, consequences necessarily, or probably, involved in it.

4. There are two different contingencies to be considered, according as, in an Anglo-German war, France (i) takes part as a belligerent, in alliance with Great Britain, or (ii) remains neutral.

5. In the former contingency (i), the situation on the continent which is anticipated by the military experts, is, I understand that of an invasion of Belgian territory by German troops simultaneously with the outbreak of war, and a French advance into Belgian territory, to meet the German invader. On this hypothesis arise the three possibilities (A, B, and C) which are discussed in Mr. Hurst's memorandum (No. 7014).⁽¹⁾ Without attempting to forecast the decision of the Committee of Imperial Defence on the questions raised in that connection, I think it may safely be expected that Great Britain will, in the circumstances contemplated, take, or support, such measures as would prevent, so far as possible, trade passing unhindered from or through Belgium into Germany, and that preference will be given to any course not involving the necessity of our treating Belgium as an enemy.

6. But, it may be said, the Franco-British forces operating in Belgium may be driven out by the German invader, who would then probably occupy the whole of Belgium and compel that country to side with Germany against France and England. In that case, the problem of how to blockade Antwerp and the Belgian sea coast would become acute.

7. But, as Antwerp lies on a river of which both banks are, at its mouth, in Dutch territory, it is, as Mr. Hurst has pointed out, difficult to see how, in the existing state of international law, the port could be effectively blockaded so long as Holland was neutral. This, no doubt, lends additional weight to the argument in favour of extending the blockade to the Dutch coast.

8. Such a blockade presupposes Holland also to be enemy country, a character which she would of course acquire if either Great Britain or Holland declared war against the other. Or the state of war might arise in consequence of Germany's invading and occupying Holland, and using that country as a base of operations against England. In that case the position of Holland would be exactly the same as that which has been assumed, above (§ 6); for Belgium, and a British blockade of both Holland and Belgium would naturally follow.

9. There is however this important difference: In the case of Belgium, a German invasion on the very outbreak of war is so probable that it is necessary to make all possible preparations beforehand. It is practically certain that the German advance will be seriously contested, and it may be expected that a German occupation of the whole of Belgium can only be accomplished after some period of hard fighting, during which it will be Great Britain's interest to treat Belgium as a friend and ally, if possible.

10. On the other hand, the violation of Dutch neutrality by Germany is exceedingly problematical, at least at the beginning of the war. Whilst therefore our intervention in Belgium and the consequent stoppage of Belgian trade, and neutral trade through Belgium, with Germany may be looked upon as a legitimate measure

⁽¹⁾ [v. immediately preceding document.]

of defence forced upon us by Germany's expected action, besides being justified by the treaty of guarantee, we are not at all likely to be afforded any such ground or pretext for interfering with the neutrality of Holland.

11. The policy, therefore, of blockading Holland will almost certainly involve our incurring the odium of having to declare war on a peaceful State without any provocation on its part. Holland would of necessity invoke German assistance, as both countries would be faced by a common enemy; and I believe military opinion is unanimous in holding that in a short time Holland would, for all practical purposes, be in German occupation.

12. I do not dwell on the question whether it is good policy for us ourselves to provoke the danger of the Dutch ports and coast becoming bases of German naval operations. That is a naval question which I presume the Admiralty will have considered before arriving at any conclusion as to the advantage or otherwise of our declaring war upon Holland.

13. What, however, would be the effect of a German-Dutch alliance on the land war? Would it not materially increase the difficulties of any Franco-British forces operating in Belgium? Or is it thought that there would be any reasonable chance of the German armies being ejected not only from Belgium, but also from Holland? If not, would not the German position at the end of the war be much strengthened by Germany being in occupation of Holland? Would Holland, after fighting successfully side by side with Germany, and smarting under the loss of trade inflicted on her undeservedly by England, not become less reluctant than she is now to seek closer relations with the country that came to her aid? It seems to me that unless Germany were absolutely brought to her knees, the result of her having stood by Holland in her hour of need must be to bring that country nearer to absorption into some sort of German federation. That would mean, eventually, the establishment of the German navy in the Dutch North Sea ports.

14. The situation to be created by a war, and as the result of victory, must always be an important element in determining the policy, and therefore also the strategy, of the war. If it were quite immaterial whether we completely alienate the feelings of Belgium and Holland, whether we act the part of their defenders against German aggression, or whether we are ourselves the aggressors, forcing those countries to seek salvation in a German alliance.—if these were distinctions of no moment, then there would be no need to consider the points raised in Mr. Hurst's memorandum, and we should undoubtedly and without hesitation make definite arrangements for the immediate blockade of Holland and Belgium if at any time we were at war with Germany.

15. But these matters are not indifferent. It is, on the contrary, of much importance that a country should not, if it can avoid it, place itself hopelessly in the wrong in the eyes of the world at the moment of entering on a life-and-death struggle, in the course of which it will, as it is, be inevitable that neutral countries should suffer a good deal of injury as regards trade, and perhaps other interests, owing to belligerent interference.

16. From this point of view, it would be advisable to avoid in any case precipitating aggressive measures against Holland unless and until it has become certain that no other course is open to us if effective pressure is to be brought to bear on Germany. Such a necessity may force itself upon H[is] M[ajesty's] G[overnment] when the war has been some time in progress. It is quite possible that by then good grounds or pretexts could be found for making remonstrances to Holland which would give us the desired opening for interfering with at least some semblance of justification. But unless it can be shown now that we should be seriously handicapped in a war with Germany by postponing a blockade of the Dutch coast instead of establishing it at the very opening of hostilities, it would clearly be an advantage if it were postponed.

17. It is admittedly a matter of speculation rather than of knowledge, what precisely will be the effect on Germany of the closing of her North Sea ports. It is

just possible that this effect is at present under-estimated, and that the influx of neutral trade through Dutch ports may not materially relieve German difficulties. If so, and if Germany refrains from violating Dutch neutrality, we should clearly gain little from an extension of our blockade to the Dutch coast. If, on the other hand, the progress of the war were to make it apparent that unless German trade through Holland were stopped, we could not hope to make a real impression on our enemy, there would still be time then to consider what action to take, and we should have the advantage of being able to suit such action to the circumstances existing at the moment.

18. To sum up: In the probable event of Germany proceeding, immediately on the outbreak of war with France, to enter Belgian territory, Great Britain, being entitled, if so minded,—not to say, bound—to come to the assistance of Belgium, in pursuance of the obligations undertaken under the treaty of guarantee, will be justified in demanding the cessation of direct trade between Belgium and Germany, and may be expected to be in a position, so long as a part of Belgian territory is in the occupation of French and British troops, to enforce such prohibition, without meeting with opposition from Belgium herself, and without having to resort to a blockade of Antwerp.

19. A German occupation of the whole of Belgium, involving the total withdrawal of the French and British armies, can hardly be anticipated, if at all, until the war has lasted for some time; and although it may be prudent to consider beforehand what should be done in such an eventuality, there seems no need to include provisions for meeting such a situation in the preparations to be actually organized before war breaks out.

20. As regards Holland, an immediate German invasion is not probable, and it would be inadvisable needlessly to provoke such invasion by our prematurely, and without provocation, declaring war on Holland. A blockade of the Dutch coast should accordingly not form part of the plans to be put into execution immediately on the outbreak of war with Germany, any more than a blockade of Antwerp, unless strong evidence is adduced to prove that the closing of all Dutch as well as Belgian ports to neutral trade immediately on the outbreak of war is essential if Great Britain is to issue victorious from the war.

21. Failing such proof, it would be more judicious to wait and see what the effect of blockading the German North Sea coast will have on the internal condition of Germany.

22. It remains to consider the second contingency alluded to in the opening part of this minute namely: a war between England and Germany in which France is neutral.

23. In such circumstances, it must be doubtful whether Germany will feel seriously tempted to violate the neutrality of either Belgium or Holland. At the same time, such pressure as the blockade of her North Sea coast may put on Germany's trade and industries, would be accentuated. There would be no occasion to mobilize more than a fraction of the German army. Factories, workshops, mines, and commercial establishments would still be expected to give remunerative employment to practically the whole of the industrial population, which would remain largely dependent upon the continuance of trade, so that the stoppage or material curtailment of imports and exports, or even a serious dislocation of the channels of trade, accompanied by scarcity and rise of prices, would react forcibly on a large proportion of the people. Whereas war with France (and Russia) would immediately call to the colours, and so withdraw for the time from the commercial and industrial struggle, a mass of men estimated at over 2 millions, who would be provisionally fed and provided for by the State direct. In such conditions, there must in any case be a marked shrinkage in industrial and commercial activity, diminishing *pro tanto* the need for maintaining the flow of imports and exports at the normal level.

24. If, then, the effect of a blockade of the German North Sea coast will be proportionately greater with France neutral, than with France ranged against

Germany, the argument in favour of waiting to see the effect of such blockade before complicating the political situation by our making an unprovoked attack on Holland and Belgium, holds good, and gains additional force, when applied to the former contingency.

25. All things considered, there are strong grounds for holding that a blockade of Holland and Belgium should not be looked upon as a necessary feature of any plan of campaign against Germany, but should be contemplated only if and when it appears, as the war progresses, that the blockade of the German North Sea coast is shorn of the decisive effects it would otherwise have, by the continuance of German trade with and through the two countries.

E. A. C.

10 : 3 : 12.

MINUTES.

We should certainly not proceed to a blockade of the Belgian and Dutch ports until the necessity for such a measure is forced upon us. To declare a blockade of Belgian and of Dutch ports immediately on the outbreak of a war would be a most unwise act and exceedingly difficult to justify on general grounds.

I agree.

A. N.

F. D. A.

Sir E. Crowe's minute should be printed so that it can be brought into the discussion at the C[ommittee of] I[mperial] D[efence] when that takes place.

E. G.

No. 322.

Extract from the Annual Report for Belgium for 1911.

[Enclosed in despatch No. 23 from Sir F. Villiers, D. March 23, 1912, R. March 25, 1912 (F.O. 12599/12599/12/4).]

France.

23. Explanations have been given in previous reports respecting the division of feeling as regards France and Germany. The line may be drawn broadly between the Walloon and Flemish provinces, the former having French and the latter German proclivities. Political reasons have also weight, the Liberals, especially the advanced wing, being Francophile on principle.

24. The period of tension which followed the dispatch of the "Panther" to Agadir gave an opportunity of testing the feelings entertained. The predominant idea was, naturally enough, to wait upon events if possible and to join the winning side, but where any change occurred it was more often in favour of France than of Germany. The Germans were looked upon as the aggressors and were considered to have deliberately provoked a crisis. The intention of violating the neutrality of Belgian territory was universally attributed to them, and the belief seemed to prevail that they would be harder to deal with than the French even if Belgium had been able to avoid taking part in hostilities or had thrown in her lot with them.

25. The promotion of good relations with France received a great impetus by a visit to Brussels paid in May by M. Fallières, though hopes had been expressed by the Socialists that the chief of a *bourgeois* republic would be received with coldness. A series of brilliant fêtes was given in honour of the President and his reception by the court, the Belgian official world and the mass of the population was extremely cordial and throughout of a nature to produce a most pleasant impression.

Germany.

26. The comparative state of feeling in Belgium with regard to the two great neighbouring States has been mentioned in the preceding paragraph. There are,

furthermore, certain commercial reasons which lead to anxiety, if not alarm, as to the hold which the Germans are obtaining over Belgian trade principally through the medium of Jewish houses. German banks have been established in various centres, German agencies are constantly extending their operations and everywhere German employés abound. This is specially the case in Antwerp where the press is endeavouring to open the eyes of the people to the danger of this foreign invasion which may be the prelude to practical incorporation.'

27. On the part of the Germans care is taken to lose no occasion of allaying the anxiety felt, and last summer a notable example of this was given when the Emperor William unveiled at Aix-la-Chapelle a statue erected to the memory of the Emperor Frederick III. King Albert sent a deputation composed of Lieutenant-General Heimbürger, the commander at Liège, M. Delvaux de Teuffe and Major Vilemans, of the General Staff, to salute the Emperor on the occasion of his visit to a German province which adjoins Belgium. The Emperor seems to have received the deputation with special distinction. To M. Delvaux de Teuffe he said: "You are governor of a province with which we have always lived on neighbourly terms. You had lately, I believe, great alarms in your country—believe me they were needless." In conversation with General Heimbürger the Emperor observed that Belgium had lately armed herself strongly. The general answered that this was the case but that Belgium had confidence, upon which His Imperial Majesty declared: "You did well to have confidence in us." Decorations were then bestowed.

General Condition of the Defences of the Country.

[By Lieutenant-Colonel T. Bridges, *Military Attaché.*]

56. Neither in men nor material can the defences of Belgium be considered as adequate. The field army is, both in numbers and efficiency, unworthy of the country, while the state of the fortification system leaves much to be desired. As pointed out in the military chapter of the annual report on Belgium, 1910, it would be no hardship for this country to find an efficient army of 300,000 men, the existence of which force would have a most beneficial effect on the strategical balance in Western Europe. The events of the summer have somewhat opened the eyes of the Belgians as to the weakness of their country and the dangers to which it is exposed by the abrupt and aggressive policy of their eastern neighbour, and reform has become the order of the day. The army and the question of defence remain, however, recognised pawns in the game of party politics, and until this state of affairs is altered, or until pressure is brought to bear on the Belgian Government from without, it is unlikely that any substantial progress on the road to efficiency will be made.

No. 323.

Extract from Minutes of Committee of Imperial Defence.

116th Meeting, April 25, 1912.

7. Attitude of Great Britain towards Belgium in the event of a violation of Belgian territory by Germany in time of war.

(C.I.D. Paper, 144-B.)

Lord Haldane said that three cases were discussed in this paper, but the only case presenting real difficulty was one in which Belgium adopted an attitude of neutrality, but refrained from attempting to enforce respect for her attitude. As to that, the view of Descamps was ("La Neutralité de la Belgique," pp. 367 and 557) that a neutralised State could not by an alliance grant privileges—for example, the occupation of a fortress—to another State, nor could it permit the passage of troops. Again, Wicker ("Neutralisation") says: "If a fault is committed by a neutralised

State, the guarantors are freed from their obligations, and may take steps to enforce a return to healthful conditions."⁽¹⁾

The Prime Minister said that everyone would agree with the First Lord that the active co-operation of the Belgians was most to be desired, but we did not know what their views were. . . .⁽²⁾

⁽¹⁾ [A discussion followed in which Sir Arthur Nicolson and Mr. Churchill (First Lord of the Admiralty) took part, the latter pointing out that "it would be a great pity if we had to rescue Belgium against her will."]

⁽²⁾ [Further remarks were made by Sir John French and Lord Haldane.]

No. 324.

Sir F. Villiers to Sir Edward Grey.

F.O. 38775/38775/12/4.

(No. 83.) Confidential.

Sir,

Brussels, D. September 12, 1912.

R. September 16, 1912.

I have the honour to forward a despatch from Captain Kelly, naval attaché to His Majesty's Legation, reporting a conversation with General Michel, the Minister for War.

The Minister appears to anticipate that in the event of war between France and Germany a British force will be landed in this country without the assent of Belgium and therefore in violation of Belgian neutrality, and he stated that it had been necessary in the scheme of national defence to prepare for this eventuality.

I am not aware that language of this kind has been held before by General Michel or by any other Belgian military authority, but I will consult Colonel Bridges, who is at present absent in Norway, as soon as he returns to Brussels.

I have, &c.

F. H. VILLIERS.

Enclosure in No. 324.

Captain Kelly to Sir F. Villiers.⁽¹⁾

Confidential.

Sir,

Brussels, September 12, 1912.

I have the honour to inform you that this morning I paid my official visit to the Belgian Minister of War, General Michel, and had a conversation with him lasting about three-quarters of an hour, during which he gave me his views on certain subjects which may be of interest to you.

The information I was most anxious to obtain from him was on the subject of the liability of an attack on Antwerp from the sea, and on the Belgian army opinion as to the most likely violators of Belgian neutrality in case of a European war.

General Michel was not very communicative on the subject of the Antwerp defences; he stated that the work on the river forts had naturally been delayed in consequence of the alterations in the scheme for the development of the port of Antwerp, but now that the project has been accepted in principle plans will be proceeded with immediately. Under the new project Fort Sainte-Marie will have to be removed, and will be rebuilt, though not at the same place, as the object of the forts in this position, when the new entrance to the docks will be to seaward of them, will no longer exist.

There is no intention of placing guns heavier than 28 centim., on account of the short range that will be required.

It is not considered likely that there would be an attempt made to force a passage to Antwerp, as on the outbreak of a war in which Belgium was involved all buoys and

⁽¹⁾ [The original of this despatch was sent to the Admiralty. The text given above has been taken from the *Confidential Print*.]

beacons would be removed; in addition to which it is counted that the Flushing forts, combined with the Antwerp defences and the submarine mine defences of the river, would effectually prevent a favourable issue to such a venture.

In reply to a suggestion that Belgian and Dutch interests, that is to say, the Flushing and Antwerp defences, would be probably engaged on opposite sides, the general was not at all inclined to agree, as he considers their interests in such a war would be identical.

In discussing the question of the breach of Belgian neutrality in case of a continental war, General Michel of course refused to give an opinion as to which nation would be likely first to do this, though he clearly thought that it would not be Germany.

The discussion was based on the understanding that should France and Germany go to war Great Britain would be siding with France, in which eventuality he had definitely made up his mind that Great Britain would send her expeditionary force to the assistance of the French either through Belgium or else through France to stiffen the French force on the left flank, where he considers the brunt of the fighting will take place.

To a contention that the German strategic railways clearly point to the intention of that nation striking across Belgian territory to attack the French troops over the unprotected north-east frontier between France and Belgium and that in such a case the violation would first be done by Germany he replied that this was not at all evident, as the Franco-British force could never sit down and calmly await an enveloping movement, and that, therefore, in self-protection they would very likely be forced to move their troops into Belgian territory before the Germans had time to do so. In either case, whether the Germans or Franco-British force first crossed the frontier, the Belgian military forces would immediately take action against the first comers, for which purpose the Minister of War considers he has 100,000 trained troops backed by the fortifications of the line of the Meuse. The number of troops would be largely increased in a very short time.

The Minister of War several times during the conversation expressed his surprise and anxiety regarding the British mobilisation at the time of Agadir. This force he considered was not mobilised for purposes of recreation, therefore it must have been done with a definite object in view, which object he decides was to assist the French army in their operations, either by landing in Belgium, or by acting on the north-east frontier between Belgium and France, and he made it quite clear that in his opinion the danger of a breach of Belgian neutrality lay more from England than anywhere else. It was useless to explain to him that the mobilisation, if mobilisation there was, in England was carried out with exactly the same motives as the Belgian mobilisation which took place at the same time, that is to say, to be prepared for any eventuality that might arise.

By this mobilisation the Minister considered that England was abandoning all her traditions of insularity (which after all are not so very old), and was definitely embarked in the preparation for continental war.

He stated that never until 1911 had he thought it possible that England would violate Belgian neutrality, but that in consequence of this action he had been obliged to prepare for it, and to reconsider the possibility of a forced entry to Antwerp from the sea, thus necessitating a third plan of campaign instead of two as formerly, in case of France or Germany being the first to invade Belgium.

He refused by any arguments to be convinced of the impeccability of Great Britain's intentions, and of the entire absence of any idea of British troops ever being landed in Belgium except after an oft-repeated and very pressing invitation from the Belgian Government.

The Minister very rightly contended that, if Belgium could do little against England, they could at least guarantee that they would put such hindrances in the way of a British disembarkation as to ensure that the force could not arrive in time to take part in the important battles of the commencement of the campaign.

The Minister, though inclined to believe that Britain is prepared to commit any crime for the furtherance of her ends, is nevertheless a warm admirer of British institutions and of the British character. He considers that the presence of 100,000 British troops on the French flank would have an enormous influence on the issue, as the quiet steadiness of the British would do much to overcome the disastrous effect of any reverse to the French arms at the commencement of hostilities.

Rightly or wrongly, the impression formed by the interview was that the Minister of War has more sympathy with German action and aspirations than would be expected from one in his position.

I have, &c.

A. KELLY, *Naval Attaché*.

No. 325.

Sir F. Villiers to Sir W. Langley.⁽¹⁾

F.O. 42515/38775/12/4.

Extract.

Brussels, October 5, 1912.

Baron von der Elst whom I saw a few days ago showed much anxiety as to the state of affairs in the near East. This led him naturally to speak of the position here in the event of hostilities breaking out in the Balkans and leading to a general European war. He maintained, possibly with more confidence than he felt, that Belgium could put up a good fight if necessary, but he expressed the belief that Belgian neutrality would not be violated—if it were it would *not* be from the German side.

I am told that in Luxemburg there is no fear of Germany. The Prime Minister of the Grand Duchy holds language to this effect basing his impression on strategic reasons—railways, lines, &c.,⁽²⁾—but these, Bridges says, are not well founded.

⁽¹⁾ [The text of this letter is taken from a typed copy which contains only the extract here printed.]

⁽²⁾ [*cp.* Despatch from Sir A. Johnstone, March 20, 1914, *infra*, pp. 411-2, No. 332.]

No. 326.

Sir F. Villiers to Sir Edward Grey.

F.O. 42463/38775/12/4.

(No. 92.) Confidential.

Brussels, D. October 9, 1912.

Sir,

R. October 10, 1912.

With reference to my despatch No. 83 of the 12th ultimo⁽¹⁾ I have the honour to forward a despatch from Colonel Bridges, Military Attaché to His Majesty's Legation, reporting a conversation in which the Minister for War used much the same language as that held to Captain Kelly.

I think with Colonel Bridges that General Michel's suspicion of British designs has more or less an origin in his feeling about the Congo and I agree, as indeed I have stated on various occasions, that until His Majesty's Government have recognized the annexation, mistrust will continue to exist here and it will not be possible to re-establish relations of a completely friendly character. Unless therefore circumstances should shortly arise of a gravity sufficient to necessitate a declaration to the Belgian Government it will be best to await the recognition before considering whether any such assurance as Colonel Bridges suggests could be offered.

I have, &c.

F. H. VILLIERS.

⁽¹⁾ [*v. supra*, pp. 398-400, No. 324.]

Enclosure in No. 326.

Lieutenant-Colonel Bridges to Sir F. Villiers.(²)

(No. 21.) Confidential.

Sir,

Brussels, October 8, 1912.

With reference to your No. 83 of the 12th September, covering a despatch giving an account of a conversation between Captain Kelly and the Belgian War Minister, I have the honour to inform you that I called yesterday on the Minister with the object of clearing up what appeared to be a somewhat unsatisfactory situation and of defining if possible his attitude with regard to Great Britain in the neutrality question.

The interview lasted three-quarters of an hour, and I found General Michel quite ready to talk. He is very interested in aviation, and was anxious to know the exact effects of the air reconnaissance on the conduct of operations during the recent manœuvres in England. (It is worthy of note that the idea that the manœuvres had to be abandoned owing to the efficiency of the air-service is current abroad.)

On the subject of his interview with Captain Kelly the general appeared quite ready to give me his views, which, however, he told me were those of "le petit général" before he assumed an office as unexpected as undesired.

He commenced by avowing, as he did to Captain Kelly, his great admiration of the British race. What had always struck him more than anything else was the pluck and enterprise which lead so many of the members of the aristocracy and of Parliament to go out to fight the Boers in quite subordinate capacities. He could not see the Chamber and the Senate risking their skins in that fashion.

Historically, England had always been Belgium's best friend and the one Power who could be confidently summoned to fulfil her treaty obligations without *arrière-pensée* up to the time of her friendship with France. Then came the *entente cordiale*, and Belgians began to ask themselves what this expression (that was not to be found in the diplomatic dictionary) could mean.

From that time Great Britain's position in Belgium had gone back, and, in his opinion, whatever the necessity for the *entente* may have been, Great Britain, in stepping down from her position of isolation, lost prestige all over the world.

It was not, however, until the crisis of 1911 that his own eyes had been opened by the fact—there had been war preparations and Members of Parliament had said it (he referred to a speech by Captain Faber, M.P.⁽³⁾), that England was avowedly ready to launch an expeditionary army to the continent to take sides with the French.

This then was the *entente* that Great Britain, under certain circumstances (he did not ask nor did he wish to know what they were), was going to "march" with the French. She was, in fact, an interested party, and the defence of Belgian neutrality was to be either a pretext or a secondary consideration, as best suited her.

He had then asked himself how Great Britain was going to employ her expeditionary force. There was certainly no room for it on the Franco-German frontier in the first line, and was it like the British to be content to follow as a reserve in rear of the French army? No. On the south flank then? Impossible. Denmark, Holland? Both too excentric. Belgium formed the only theatre where such a force could conceivably operate.

Again, would Great Britain come to the assistance of Belgium if her neutrality were violated by the French? He thought not. Only in her own interest or in that of the French would she come.

Great Britain for these reasons was a potential enemy, and as such had to be watched and could no longer be regarded as the Power to which Belgium could confidently appeal for help.

(²) [The original of this despatch was sent to the War Office. The text given above has been taken from the *Confidential Print*.]

(³) [This speech was made at the Mayoral Banquet at Andover on November 9, 1911. v. *Gooch & Temperley*, Vol. VII, p. 716, note (¹).]

In answer to my question as to the probable procedure in Belgium on a violation of territory, the Minister said that Belgian troops would march with all speed against the first-comers, but that calling in of other Powers was a delicate matter, and he, speaking privately, was not in favour of it for the reason that it was often easier to get a policeman into your house than out of it.

To my remarks on the inducements which Germany had to violate Belgian territory and her obvious preparations for so doing as opposed to the conditions to be observed on the French side his Excellency did not altogether agree, but thought one to be as much feared as the other.

Both countries had their temptations, and though Germany would doubtless like to add Belgium to her constellation of States, France had had a historic domination over portions of the country that she would doubtless gladly re-establish.

The recent change in the plans of concentration of the French 1st and 2nd Corps discussed in the press also looked as if France was prepared to envisage an offensive movement through Belgium. (On this point I was able to put the Minister right and to tell him that it was only a matter of an alternative "variant" for the corps in case they should be required to oppose a German invasion through Belgium.)

We were in agreement that the Belgian army was inadequate for the needs of the situation, and compared unfavourably with the armies of other small countries in relation to her population, riches, and eminently dangerous geographical situation. His Excellency hoped that the much needed reforms would not now be long delayed.

General Michel also mentioned the press report of the conversation in Switzerland between the German Emperor and President Forrer, but doubted if the Emperor had really used the words attributed to him ("I should like to feel that my right flank was as strongly covered as my left").

For the sake of brevity I have omitted my share in this conversation, though I took the opportunity of combatting the general's ideas on several points. The Minister is, however, a somewhat narrow-minded person of fixed views which he is ready to air, but upon which argument has no apparent effect.

It is quite possible that his somewhat suspicious attitude is due to the fact of his having held important appointments in the Congo, upon which question the general feeling is strong here, more especially since the Belgian Government have themselves become responsible for the administration of the colony.

Though more than once the general stated that he was not speaking as a member of the Cabinet, it is not improbable that these views are shared by his colleagues in office, for he is a strong Catholic and the party discipline is strong. It may be noted that his views as to the calling in of other Powers on a breach of neutrality do not coincide altogether with the views expressed by the Chief of the General Staff last year (see my despatch No. 16 of the 22nd September, 1911⁽⁴⁾), but there has been a good deal of difference between the War Office and the General Staff (see my despatch No. 5 of the 21st August, 1912⁽⁵⁾).

General Michel is unpopular in the army and regarded as a bird of passage; indeed, his temperament does not strike one as sufficiently elastic to stand the buffets of interpellations in the Chamber, of which he is likely to get a good deal.

If the general's views, as outlined above, coincide with those of his colleagues, the position from a military standpoint must be regarded as unsatisfactory, for it is obviously highly desirable that the Belgian Government should be well disposed to and upon the side of the *entente* in a war with Germany.

It would appear that some steps might be taken to allay Belgian suspicions and to further this end.

An early recognition of the annexation of the Congo will go far towards this, and it might be possible later to make it clearly understood that any military operations

(4) [v. *supra*, pp. 384-5, No. 317, *encl.*]

(5) [Not reproduced. The original of this despatch was sent to the War Office. No copy has been preserved in the Foreign Office.]

undertaken by ourselves on the continent would be for the protection of Belgian neutrality and certainly not directed to any object detrimental to Belgian interests.

I have, &c.

T. BRIDGES, *Lieutenant-Colonel,*
Military Attaché.

MINUTE.

If Germany does not violate the neutrality of Belgium no one else will do so.

E. G.

No. 327.

Sir F. Villiers to Lord Onslow.

F.O. 48569/38775/12/4.

Private.

My dear Onslow,

Brussels, November 2, 1912.

Your letter of Oct[ober] 12th⁽¹⁾ having been kept for a confidential bag did not reach me until Saturday last. The interval having been long I sent you a line by post first to thank and acknowledge receipt.

I think that M. Buisseret and General Michelet are by no means in the majority though the decided views they express are held in strictly Conservative circles, or Catholic as they are called here. Bridges tells me that outside the regiments quartered in Brussels, among whom the Ca[t]holic element prevails, the army is pro-France, that an attempt to violate Belgian neutrality is expected rather from the German than from the French side and must be resisted with all the force that may be available.

Previous occasions for alarm have only produced discussion but now all parties, except the extreme Catholics and Socialists, seem to be in agreement that measures must be taken to reorganise the army and to provide better for the national defence. . . .⁽²⁾

F. H. VILLIERS.

MINUTES.

Private.

Sir A. Nicolson,

Count Buisseret told me that the Belgian Government were very much preoccupied as to what might happen in the event of a war between France and Germany. They did not think the guarantee of the Powers of much value. They suspected that in the event of war either Germany or England and France might pour troops into Belgium in order to keep the other Power out, and Belgium would lose her independence. I said I could hardly believe that any one seriously thought that under any circumstances England would annex Belgium or any other continental territory. He said perhaps not, but his Government seriously contemplated the possibility that England might occupy Belgium in the event of a war with France, Belgium had always been the battleground between France and Germany and might easily be so again. Anyway the Belgian Government were seriously thinking of revising their military law so that they may be able to raise an army of at least 400,000 men so that Belgium may be to a certain degree selfsupporting from the military point of view as Switzerland is. He said that he had reason to know that a bill to enable the army to be increased above its present standing would be introduced probably in the near future.

He asked me to keep this private between ourselves.

O.

A. N.

Oct[ober] 10, 1912.

We shall not violate Belgian neutrality unless a Power with whom we are at war violates it first, and if the object of an increase of the Belgian army is to resist violation of its neutrality we shall welcome the increase.

E. G.

⁽¹⁾ [Not reproduced, as no copy can be traced.]

⁽²⁾ [The text of this letter is taken from a typed copy which contains only the part above reproduced.]

Sir F. Villiers to Sir Edward Grey.

F.O. 50036/38775/12/4.

(No. 107.)

Sir,

Brussels, D. November 22, 1912.

R. November 25, 1912.

The statement made in the Chamber last week by Baron de Broqueville has provoked much discussion, and speculation has been rife as to the meaning which should be attached to his language on the subject of army reorganization. A speech which he delivered on the 26th instant was intended to be explanatory. He maintained that no word of his had indicated a change in the guarantees given by the Powers to Belgium, nor would he say that a belligerent could not eventually be called upon as a guarantor of Belgian neutrality though it would be preferable that the Power should not be a belligerent. These declarations do not afford much help to remove the ambiguity of his statement. The fact is that he has put forward some rather vague arguments respecting a change in the European situation, rendering it incumbent upon Belgium to rely more than hitherto on her own resources, in order not only to influence those who are opposed to military reform but also to cover the fact that the Catholic Government during a prolonged period of office have entirely neglected to make proper provision for the national defence.

Baron de Broqueville probably does not wish that his arguments should be too closely criticized, but the uncertainty produced has caused anxiety at the French Legation and I believe that M. Fontarce, the Chargé d'Affaires, has suggested enquiry as to the views held here with regard to the course of action should the neutrality of Belgium be menaced—that is to say, whether the Guaranteeing Powers would have the right to undertake the protection of the country on their own initiative, or whether an invitation from the Belgian Government would have to be awaited. The French Government may perhaps prefer to leave the matter in doubt so that, should the eventuality arise, they may be free to act as circumstances may dictate.

Meanwhile a number of rumours are current. The "Étoile Belge," a Liberal paper, reproduced a few days ago a letter from the Brussels correspondent of the "Bien Public," a strongly Catholic paper published at Ghent, asserting as an ascertained fact that Great Britain in the event of international complications intended to invade Belgium. The regiments which were to enter the country at the first alarm had already been selected. Upon this the "Étoile" observed that there was no necessity to dwell upon the gravity of the fact thus announced. The article in the "Étoile" has been reprinted without comment in the "Journal de Bruxelles," which has a more or less official character.

It is also said that Great Britain will no doubt help Belgium if an European war should break out, but only from an interested motive; at the close of hostilities no contribution in money towards the expenses will be demanded but a portion of the Belgian Congo will be taken. For this reason His Majesty's Government delay to recognize the annexation, so that when the moment arrives they may hold that Belgian rights have never been admitted and that nothing is being seized to which Belgium can properly lay claim. This and reports of a similar kind are attributed to a deep laid German plot the object of which is to create ill-feeling between Great Britain and Belgium. On the other hand it is proclaimed with some confidence that the forthcoming proposals for reorganization are due to pressure exercised by His Majesty's Government through this Legation!

I had the occasion yesterday to visit the Minister for Foreign Affairs and our conversation turned upon the military question. The reports in circulation were of course absurd but if sufficiently often repeated might, I said, produce an effect, and it would be a matter for great regret if the public were to derive an impression that in any circumstances Great Britain could adopt an attitude hostile to Belgium. M. Davignon answered emphatically that no such idea existed either among those

in responsible positions or among the public. The desire for good relations between the two countries was general and, he added, the ties of "traditional" friendship would be fully resumed as soon as the annexation of the Congo had been recognized.

Copies of Baron de Broqueville's speech, to which I have referred, and of the article in the "Étoile," are annexed to this despatch.⁽¹⁾

I have, &c.

F. H. VILLIERS.

⁽¹⁾ [These enclosures are not reproduced.]

[*ED. NOTE.*—In a private letter of December 30, 1912, Sir A. Nicolson asked Sir F. Villiers his "opinion as to whether, in the event of a European war, Belgium would be likely to be on our side or against us." On January 11, 1913, Sir F. Villiers replied "The view held, or at any rate expressed by the Government here is that so far as the guarantee of Belgian neutrality is concerned, the position has materially changed since the establishment of our Entente with the French. In the event of a European conflict England would be involved, Belgium would be included within the theatre of war, the neutrality of the country would not necessarily be taken into account, and might be violated by British forces as well as by those of the other belligerents. Belgium can, therefore, no longer depend upon the guarantee, but must provide for her own defence against three possible enemies instead of against two as before—that is to say against England as well as against France and Germany." Extracts from the letters are printed in *Nicolson*, ch. XIV, pp. 398–400. Nothing of any importance appears to have been omitted by Mr. Nicolson. His extracts are only partially quoted above, and they must be read in full to obtain a comprehensive view of the question.]

No. 329.

Extract from the Annual Report for Belgium for the Year 1912.

[Enclosed in Sir F. Villiers' despatch No. 15, D. February 22, 1913, R. February 24, 1913 (F.O. 8709/8709/13/4).]

Military Policy.

[By Lieutenant-Colonel T. Bridges, *Military Attaché.*]

55. Since the success of the Catholic Government at the elections, signs have not been wanting that the attitude towards Great Britain in defence matters has changed. This was acknowledged by the War Minister, General Michel, in private conversations, while the Premier twice emphasised the fact in speeches in the Chamber. The clerical press also, notably the "XX^e Siècle," a journal edited by M. de Broqueville's brother and in which he himself is one of the largest shareholders, persistently indicated Great Britain as a power to be regarded with the greatest suspicion.

56. The Government attitude appears to be that England must be looked upon as an ally of France, a probable belligerent in a war in Western Europe, and an interested power against whom defence measures must be taken and plans of campaign prepared. This reasoning was used by the Prime Minister in support of his new Militia Bill. Furthermore, it may be concluded from the various utterances of members of the Government and their press that while in time of war every endeavour will be made to uphold neutrality, it is not proposed, in the event of a violation of territory, to call in a guaranteeing power to aid and thus run the risk of drawing the war into the heart of the country. There have also been signs that a revocation of the guarantees would be welcome to Belgium in order to leave her free to come to understandings and make friendships. Twice during the past year Belgian military writers of repute have advocated this course and proposed an alliance with Germany as being the most probable victor in a war.

Army Reorganisation.

57. Responding against their will to pressure within the country the Government introduced early in December a new Militia Bill. Estimating that the Belgian Army should be strong enough to hold its fortresses and at the same time produce field troops sufficient to oppose five French or German army corps, the Government project calculates the required numbers at :—

					Men.
Garrison of Antwerp	...	...	...	...	90,000
„ Liège	...	...	...	...	22,500
„ Namur	...	...	...	...	17,500
Field army	...	...	...	...	150,000
Reserve	...	...	...	...	60,000
Total	...	...	...	...	<hr/>340,000

58. How the calculation for the Field Army is arrived at it is not easy to see. A German army corps of two divisions (omitting the reserve division) would be some 40,000 men strong and five corps equal to 200,000 men. It would therefore seem that the Belgian Government have somewhat underestimated their liabilities and that the Field Army should be at least 200,000, while, in view of the short training period 300,000 would be a safer figure and could be easily attained. The Antwerp garrison has been increased by 38,000 men, but the Liège and Namur garrisons remain as laid down by the Law of 1909, and in view of recent developments must be regarded as inadequate for their tasks, especially that of Liège.

59. The new Bill proposes to raise the above force by adopting the principle of universal service, taking 49 per cent. of the annually available numbers, and by the incorporation of thirteen classes. The full strength will thus be reached, should the Bill pass, in 1926, by which time the old Law could only have yielded 250,000 men. It is calculated that the new levy will be some 35,000 strong (including 2,000 volunteers), and a Bill was passed before the end of the year to allow of this increase. The remaining 51 per cent. of the available youths are to be released, not by the usual ballot, but by an extensive system of exemptions. Among these figure the elder sons of large families of the poorer classes, and men training for the sea. Those having a brother serving have the right to be put back for a year. Other exemptions follow the existing law. To provide the necessary elements for the enlarged cadres, a limited number (5,000) of youths with certain educational qualifications will be released after a year's training of a concentrated kind with a view to filling the commissioned and non-commissioned ranks of the reserve. This privilege will also be open to a percentage of corporals of each arm after passing an examination. Otherwise there is no alteration in the periods of training which remain fifteen months in the infantry and fortress artillery, twenty-four in the cavalry and twenty-one in the field artillery. The Bill does not touch on the question of organisation nor of finance, but it has been officially stated that after the present units reach their full strength eight new regiments will be created.

60. The Bill is open to criticism of a technical character in several directions, notably as to the methods proposed for supplying the reserve personnel and the insufficient training period allotted to it, the difficulties of rapidly mobilising thirteen classes with but one with colours, the seriously weak situation for the three months after a class is liberated, the problematic advantages of the generous exemptions as opposed to the recognised fairness of the ballot, and other less important points. In view of the fact that Belgium proposed to fight not Holland but France, Germany or Great Britain, it is also to be regretted that the Government could not see its way to an increase of the period of service. Such, however, under the present conditions of party feeling was an impossibility.

61. It seems probable that by the year 1926 the Belgian Army will find itself,

as to-day, inadequately provided with men. It is, indeed, a lap behind and having in view the acknowledged seriousness of the situation, it seems that the Government might have drawn further on the 51 per cent. of exempted men (the French take 80 per cent.) and thereby increased the size of the levy, thus reducing the number of classes required on mobilisation, keeping younger and more recently trained men with the colours and, if desired, adding substantially to the war strength.

62. The Bill in its main outlines is likely to be accepted by Parliament and will then come into operation in 1913. With all its deficiencies it must be regarded as a real step towards efficient defence and it should be remembered that, given the principle of universal service, the other measures will be capable of improvement and "speeding up" as occasion offers.

107. A bill to provide for reorganisation of the army was presented on the 5th December. Details are given in the chapter of this report upon military affairs; briefly stated, the main points of the scheme are as follows: The principle of general military service is adopted, though with a considerable number of exemptions; there is no reduction in the period of service but "volunteers"—that is those who have passed certain examinations—will be permitted to serve for one year only, the number not to exceed 5,000 in any one year; the annual contingent, which is not to be less than 49 per cent. of the recruits available, is fixed at 33,000, to which an estimate of 2,000 volunteers is added; this it is reckoned will give 150,000 men in the first line and in 1926 with full mobilisation (thirteen contingents being held liable) a force of 327,000, with 10,000 officers and non-commissioned officers. There is no mention of cost nor any indication as to the manner in which increased expenditure will be met.

108. In the Ministerial declaration at the commencement of the session Baron de Broqueville, in recommending an increase of the military force urged that the importance of the position which Belgium would occupy in a conflict between the Western Powers had become more accentuated than ever. New obligations had not been created but those which existed had become more weighty and pressing and no effort should be spared in the fulfilment of those obligations. The law of 1909 (which instituted the system of one son per family) had provided a model but insufficient army and fresh measures were required. Confidence in the Powers which guarantee Belgian neutrality remained unimpaired, their sympathy could not be called in question, but it was necessary to bear in mind that the grouping of Powers had involved alliances and military agreements which might in the event of an European war deprive the guarantee of the value which the neutrality of the guarantor could alone completely ensure. Shortly afterwards Baron de Broqueville delivered a speech which he intended to be explanatory. He maintained that no word of his had indicated a change in the guarantees given by the Powers to Belgium, nor would he say that a belligerent could not eventually be called upon as a guarantor of Belgian neutrality, though it would be preferable that the Power should not be a belligerent.

109. The bill itself was accompanied by a statement which explained and justified the proposals of the Government. The first part dealt with the position of Belgium as effected by the present state of affairs in Europe. The strength of the Belgian armed force might formerly have been adequate to the requirements of the day, but of late years the neighbouring Powers had greatly increased their military establishments, and this had given cause for reflection upon the consequences to Belgium should a war between those Powers occur. Military writers and the whole press held that without doubt the neutrality of the country would be violated. Moreover all the preparations of the Powers were directed to place them in a position to open hostilities directly war was declared, and if operations were commenced on Belgian soil the two hostile armies would enter the country, perhaps at a few hours interval, without sanction, without invitation and without any previous agreement. The Belgian Government would then have either to throw in their lot with one of the belligerents—a course which might entail consequences far beyond national designs and interests—or else to look on at the conflict as simple spectators.

110. The statement then proceeded to observe that a renewal of the engagements taken in 1870 could not be expected. A new grouping of the Powers had led to alliances and military agreements, and in the event of war the belligerents however friendly to Belgium would be guided by the exigencies of the moment. An international situation had thus arisen incompatible with the conditions of perpetual neutrality laid down in the Treaties of 1839, although those Treaties received confirmation at the second Peace Conference when the position of neutral States was considered. The Government would be culpable if they ignored the danger created. There was no reason, it was true, to impute to the guaranteeing and neighbouring Powers designs contrary to their engagements and the friendship constantly shown by Great Britain, Germany and France excluded the idea of hostile intentions, while the preparations made on the frontier indicate that they are intended to repel an attempt upon Belgian neutrality. On the other hand the right to claim respect for that neutrality did not remove the obligation of defence in case of attack. This duty was imposed not only by patriotism but flowed from the Treaties as also from the engagement of guarantee. The military policy of the nation had always been founded upon the recognition of this and measures of defence must be organised so that each of the belligerents in case of an invasion should meet with a resistance sufficient to impede or even to arrest a plan of campaign based upon the passage of an army through Belgium or the occupation of any part of the country. All strategical positions must be held exclusively by a national force sufficient to remove the temptation of seizing them or of making them the base of military operations. The country must be protected by an army of its own, efficient, well-armed, able to hold in check aggression from any quarter whatsoever and, should events lead to combination with a belligerent, strong enough to restrict action to the object in view and to avoid participation in a great conflict where the destiny of the nation would be at stake. The general belief was that the means in existence were not equal to the task. It was essential to remove this impression so as to have no cause for fear that military weakness should serve as a pretext for invasion.

111. The second part of the statement dealt almost entirely with military details but contained the following passage:—

“It is necessary to take into account that in view of the present system of alliances and agreements our army in the field may be called upon to face at the same time two belligerents carrying on joint operations upon our territory, an eventuality which could not be foreseen in 1900. It will be understood that in such a case the army must be stronger than before whether it has to make an effort in two distinct areas of operation or to act against the united force of the allies.”

112. Whether these views were entertained, or not, at an earlier date it is impossible to say but their first expression in an authoritative form occurred just at the time when the Government had made up their mind upon the subject of army reorganisation. It is therefore necessary to take into account the desire to spread alarm among those opposed to an increase of the armed force. At the same time it is certain that owing to the delay in recognising the annexation of the Congo some doubt has arisen as to British feeling towards Belgium. Moreover there is now an impression which the Government have perhaps created and are assuredly cultivating that the position as to Belgian neutrality has changed since the establishment of the *entente* with France. In the event of an European war England would be involved, Belgium would be included within the area of operations, the neutrality of the country would not necessarily be taken into account and might be violated by British forces as well as by those of the other belligerents. Belgium can therefore no longer depend upon the guarantee but must provide for her own defence against three possible enemies instead of against two as before—that is to say against England as well as against France and Germany.

Sir Edward Grey to Sir F. Villiers.⁽¹⁾

F.O. 16501/16501/13/4.

(No. 16.) Confidential.

Sir,

Foreign Office, April 7, 1913.

In speaking to the Belgian Minister to-day I said, speaking unofficially, that it had been brought to my knowledge that there was apprehension in Belgium lest we should be the first to violate Belgian neutrality. I did not think that this apprehension could have come from a British source.

The Belgian Minister informed me that there had been talk, in a British source which he could not name, of the landing of troops in Belgium by Great Britain, in order to anticipate a possible despatch of German troops through Belgium to France.

I said that I was sure that this Government would not be the first to violate the neutrality of Belgium, and I did not believe that any British Government would be the first to do so; nor would public opinion here ever approve of it. What we had to consider, and it was a somewhat embarrassing question, was what it would be desirable and necessary for us, as one of the guarantors of Belgian neutrality, to do if Belgian neutrality was violated by any Power. For us to be the first to violate it and to send troops into Belgium would be to give Germany, for instance, justification for sending troops into Belgium also. What we desired in the case of Belgium, as in that of other neutral countries, was that their neutrality should be respected; and as long as it was not violated by any other Power we should certainly not send troops ourselves into their territory.

[I am, &c.]

E. G[REY].

⁽¹⁾ [Published in *Collected Diplomatic Documents relating to the Outbreak of the European War*, (1915), p. 350. A note is there printed that "a record of this despatch was communicated by Sir F. Villiers to the Belgian Minister for Foreign Affairs."]

Extract from the Annual Report for Belgium for the Year 1913.

[Enclosed in Sir F. Villiers' despatch No. 10, D. January 30, 1914, R. February 2, 1914 (F.O. 4653/4653/14/4).]

Holland.

6. Relations between Holland and Belgium continue in a normal state. For the present at any rate the progress of the scheme for the defence of Flushing excites little or no comment.

France and Germany.

7. Generally speaking conditions remain unaltered. In official and strictly Catholic circles the inclination is German; among the liberal sections of the people, especially the French speaking Walloons, the feeling tends decidedly towards France. The Government, however, adopt an impartial attitude when there is any question of national defence. At the secret session of the Chamber, to which reference has already been made, the Prime Minister is said to have described the military preparations on both the Belgian frontiers, east and west, as a menace of danger. The revelations were not of a serious character, being indeed received with hilarity as "secrets de polichinelle" and it was insinuated that the object was to help members of the Right to explain that their support of proposals for an increase of the armed force which they had up till then opposed was due to reasons of an international character which they were not at liberty to disclose.

8. Care is also taken by the authorities not to wound French susceptibilities, at least not openly to do so. An instance of this occurred in the Chamber during a debate on the question of reform. M. Goblet, a member of the Right, speaking in support of the Government alluded to the electoral system in France upon which M. Gielen, also of the Right, made an observation in which the word "pourrie" occurred. A violent storm ensued, the Liberals and Socialists exclaiming with shouts of "Vive la France!" that a friendly nation had been insulted. In spite of the attempted explanations the disturbance continued until the President rose and made the following declaration: "En ma qualité de Président, j'ai le droit de parler au nom de la Chambre, et c'est pourquoi je lui demande de crier avec moi dans cette circonstance 'Vive la France!'" These words were immediately repeated by the whole assembly, most of the members present rising and vociferously applauding the President's words. On the other hand some disregard of French feeling was shown by the appointment as Military Attaché at Paris of Major Collon, up till then "chef de cabinet" to Baron de Broqueville, Minister of War as well as Prime Minister, who is believed to have written some articles for the press of a strongly pro-German tendency, and also by the appointment to a high command of General de Witte the author of a pamphlet disparaging the French army and advocating alliance with Germany as the stronger Power.

9. In November the King went to Germany for the special purpose of paying a visit to the dragoon regiment of which he is Colonel. It was natural that while in the country he should see the German Emperor but he was not accompanied by any of his Ministers and it was declared that his journey was absolutely devoid of political significance. An endeavour was made in the Liberal press to establish connexion between the visit and negotiations between the British and German Governments in regard to their African Colonies, but a declaration by the German Chargé d'Affaires, Prince Hatzfeldt, was published to the effect that this statement was entirely unfounded; Germany had no intention and never had had any intention of creating difficulties for Belgium in regard to the Congo; Germany had no designs upon the Congo nor upon any other European Colony in Africa. The Prince added some remarks about the friendship for Belgium entertained by the Germans and their admiration of the country.

10. While desirous to avoid any actual cause of offence to the two powerful neighbours the Government do not fail to appreciate the important part which Belgium may play in the event of war in the west of Europe. Thus the Prime Minister when introducing proposals for army reorganisation discussed the international strategical situation from the Belgian point of view. He calculated that the Triple Alliance had at its disposal 53 army corps—25 German, 16 Austrian and 12 Italian—while the Triple *Entente* could put 52 into the field—27 Russian (excluding Asiatic troops) 21 French and 4 English. There was therefore a difference of but one army corps, and he considered that the new Belgian army of 340,000 men would be able to turn the balance completely in favour of the Powers which respected Belgian neutrality.

Military Affairs.

[By Lieutenant-Colonel T. Bridges, *Military Attaché.*]

31. The year 1913 has been a moving one for the Army and marks a serious effort on the part of the Government to place the defences of the country on a sound footing. Led away, perhaps, by the desire for effect, an inherent failing of the Belgian character, the Government have at the same time instituted (without due preparation) sweeping reforms which, by the end of the year have left every arm and department in a state of ferment and confusion from which they will take a considerable time to emerge. The general effect however has been to raise the morale of the army and the country and there is more prospect to-day of the Belgians fighting seriously to protect their neutrality than ever before in their history as a nation.

32. The Army Reform Bill passed into law on the 30th August 1913. Its main feature is the substitution of general and personal service for the former system of "one son per family." This is tempered by liberal exemptions. There are also temporary exemptions to tide over the transition period while an economy is effected by the abolition of the subsistence allowance to families of miliciens except in the case of the indigent. The contingent is to be not less than 49 per cent. of the numbers annually enrolled. This will, it is calculated, give a levy of some 33,000 men exclusive of volunteers (some 2,000) and a special Bill was passed in April to provide for the increased contingent of the present year which reached the figure of 30,260. The total liability to service is for thirteen years of which the last five are passed in the reserve. The periods under arms remain as before, fifteen months for dismounted troops and twenty-one to twenty-four for mounted.

33. The war strength estimated as necessary for the defence of the country is 340,000 men, divided into a field army of 150,000 to 175,000 men, 130,000 fortress troops and 60,000 reserves and auxiliaries. The War Minister stated at the end of the year that by the 1st December 1917 the Field Army by the inclusion of six classes would reach a figure of 168,331 (not counting officers) and that the fortress troops and reserve would then be 87,400 strong. By 1920 therefore the full strength of 340,000 men should be reached. It should be noted however that if mobilised during the coming year the Belgian Army would only reach a total of 210,000 men of which 130,000 are required for the fortresses, leaving but 80,000 for the Field Army, a quite inadequate force for independent operation. In time of war or national danger the King may call out any number of classes up to ten (beginning with the youngest). The 11th, 12th and 13th classes are only available in case of absolute necessity and will be used in defensive works.

34. It will be noticed that on mobilisation the field army will more than treble its peace strength. This fact and the confusion resulting from the doubling of units described below are likely to prove a severe strain on its efficiency especially as the strategic conditions will allow of few days of grace for the army to pull itself together. This fact points to an ultimate increase in the length of service of the infantry to two years and there are signs of a movement in this direction encouraged by the success of the policy in France.

No. 332.

Sir A. Johnstone to Sir Edward Grey.

F.O. 12700/12700/14/29.

(No. 54.)

Sir,

The Hague, D. March 20, 1914.

R. March 23, 1914.

During my short stay in Luxemburg, from which I yesterday returned, I had a conversation on general politics with Monsieur Eyschen in the course of which His Excellency told me that he naturally had kept his eyes open during the military preparations of the last three years by Germany on their north western frontier and had arrived at the conclusion that if war broke out between France and Germany and the latter Power advanced on France through Belgium she would not violate the neutrality of Luxemburg.

The Germans had been constructing strategic railways with huge sidings at the Railway stations so as to be able to rapidly concentrate a vast army on the Belgian frontier and their camp at Treves in the close vicinity of Luxemburg had been increased and was now a main dépôt.

But owing to the character of the Luxemburg country which necessitated many tunnels and viaducts easily destructible in war time he did not think either the French or the Germans would attempt to seize or utilize the railways and for the

same reason the roads were dangerous for an army on the march. In his opinion if Belgium were invaded by Germany it would be by way of Aix la Chapelle. He had no illusions about the sanctity of Treaties in case of a European war and he based his opinion on his own deductions from reports which had reached him from various quarters.

I give Monsieur Eyschen's words for what they are worth but whether right or wrong in his conclusions I think he spoke in all sincerity. I had occasion to see Colonel Fairholme at Brussels on my way back here and I told him what Monsieur Eyschen had said.

I gathered during my stay in Luxemburg from conversations with non-official residents that the Germans are not popular with the inhabitants of the Grand Duchy.

I have, &c.

ALAN JOHNSTONE.

[ED. NOTE.—For the question of Belgian neutrality in 1912, *v. D.D.F.*, 3^{me} Sér., II, (1931), pp. 244-5, No. 240; pp. 267-71, No. 272; p. 276, No. 276; p. 308, No. 299; pp. 308-10, No. 300. Also *ib.*, IV, (1932), pp. 162-7, No. 161; pp. 273-5, No. 267; pp. 287-91, Nos. 278-9; pp. 399-401, No. 385; pp. 439-40, No. 425; pp. 452-7, Nos. 438-9; pp. 485-7, No. 476; p. 512, No. 505; pp. 529-31, No. 529; pp. 538-9, No. 535; pp. 561-4, No. 565; pp. 597-8, No. 584; p. 647, No. 626.

v. also articles in *Berliner Monatshefte für Internationale Aufklärung*, by August Bach (June 1930), Egon Gottschalk (December 1930 and September 1931), by Graf Max Montgela (December 1931). Also A. de Redder: "Encore les conventions anglo-belges" in *Revue catholique des idées et des faits* (January 16-23, 1931); Carl Hosse: *Die englisch-belgischen Aufmarschpläne gegen Deutschland vor dem Weltkriege* (Vienna 1930), and various other references quoted in the above authorities.

For a comment on the Nicolson-Villiers correspondence, *v.* article by A. von Wegerer in *Berliner Monatshefte* (May 1930), pp. 429-30.]

CHAPTER LXVIII.

THE NEUTRALITY OF SWITZERLAND.

No. 333.

Mr. Brooke to Sir Edward Grey.

F.O. 371/746.

8301/8301/09/43.

(No. 10.) Very Confidential.

Sir,

Berne, D. February 28, 1909.

R. March 3, 1909.

I have the honour to report that in the course of a conversation which I had yesterday with him, Monsieur Bacheracht, the Russian Minister here, gave me some information which may be of interest to His Majesty's Government.

Our conversation had turned on the difficulties which have been existing for some time between Switzerland and Germany on account of the alleged grant by the latter country of a bounty to German millers on the flour exported by them to Switzerland.

Monsieur de Bacheracht, who takes a great interest in the affairs of Switzerland, when speaking of the possibility of cereals from the other limitrophe countries replacing those imported from Germany, should any such necessity arise, told me in confidence that though it was denied by the Federal Council, he knew for a fact that the Austrian Government had recently approached the Swiss Government, through Colonel Sprecher, head of the Swiss General Staff, with a view to ascertaining what steps were contemplated by the Federal Government for maintaining the neutrality of Switzerland in the eventuality of a war between Austria and Italy.

In this connection Monsieur de Bacheracht spoke of the appointment, about a year ago, of Captain de Berlepsch, of the Austrian General Staff, as Military Attaché at Berne; previous to his appointment the Austro-Hungarian Government have sent no Military Attaché to Berne. On his appointment the Italian Minister, Marquis Cusani, said to Monsieur de Bacheracht: "He has been sent to spy upon us." The Russian Minister was evidently of the opinion that the Austro-Hungarian Government were apprehensive of the Italian Government, in the case of war, violating the neutrality of the Eastern Cantons of Switzerland and taking them in the flank. He said he thought it very "piquant" that there should be such distrust of their old friend and ally.

I have, &c.

H. B. BROOKE.

No. 334.

Mr. Bax-Ironside to Sir Edward Grey.

F.O. 371/746.

40747/40747/09/43.

(No. 44.) Confidential.

Sir,

Berne, D. October 25, 1909.

R. November 6, 1909.

It was reported, both in the German and Swiss Press, that at the conclusion of the German Manœuvres the German Emperor spoke at some length to Colonel Schiess, and after stating that he had received excellent accounts of the Swiss Army, His Imperial Majesty expressed a wish to be present on one occasion at the Swiss manœuvres.

I hear on the best authority that Monsieur de Bülow was instructed, two years ago, to find out if such a visit would be acceptable to the Swiss Government. The matter was thoroughly and carefully considered by the Federal Council, and the

German Minister was given to understand, in the politest manner possible, that the visit would not be acceptable.

I hear from one of the members of the Conseil National, who was present at the deliberations, that Monsieur de Bülow was told that, whilst the Swiss Government were extremely pleased and flattered at His Imperial Majesty's wish to be present at the manœuvres of so small an army, they were unwilling to create a precedent.

The Swiss Government did not desire to be mixed up more than was necessary in European Politics. If one Emperor came to the manœuvres, it would be difficult to refuse the requests of other rulers; in addition to which, there were no arrangements in Switzerland for receiving Chiefs of State for a somewhat prolonged stay.

The Swiss Government, my informant states, kept the matter secret, as they feared pressure might be brought to bear upon them from the German-speaking portions of Switzerland, which comprised 72% of the whole, to invite the Kaiser. They also knew well that, although the Swiss Army is excellent for the purposes for which it is intended, it can, in no sense, be compared to the German army, and the comparison could scarcely redound to their advantage.

From the above it will be gathered that His Imperial Majesty has a lurking wish to visit this country.

I have the honour to add that although the Swiss Manœuvres were on a particularly small scale this year, Germany was represented by a Lieutenant-General, who was particularly thanked before all the Foreign Military Attachés for his presence on the occasion. The matter caused some comment.

I have, &c.

H. O. BAX-IRONSIDE.

[*ED. NOTE.*—The Swiss Government have requested the insertion of the following note, referring to the immediately preceding document, and documents Nos. 340 and 342, pp. 434-5 and 441:—

“ With regard to the above despatches of His Majesty's Minister in Berne to the Foreign Office No. 44 of October 25th, 1909, No. 40 of July 29th, 1910, and No. 61 of October 22nd, 1910, it appears, according to information received from the Swiss Government, that some of the statements made are based on obvious misapprehensions.

“ Members of the Swiss Conseil National (one of the Houses of Parliament), for example, do not attend, in any circumstances, the deliberations of the Federal Government (Conseil Fédéral). Nor has, at any time, a pressure been exerted upon the Government by any part of Switzerland with a view that an invitation should be extended to a foreign Sovereign or Head of State to visit the country. The Government could thus not have entertained fears of that kind with regard to the German Emperor's visit.

“ Besides, the manœuvres of the Swiss Army in 1912 were held on the usual scale according to a previously established scheme, independently from the visit of the Emperor; no special arrangements were made on that occasion. Special manœuvres have never been arranged in connexion with the visit of a foreign Sovereign or Head of State.”]

No. 335.

Mr. Wyndham to Sir Edward Grey.

F.O. 371/746.

44052/44052/09/43.

(No. 237.) Confidential.

Sir,

Rome, D. November 23, 1909.

R. December 3, 1909.

I have the honour to transmit herewith a Memorandum by Colonel Delmé-Radcliffe on the present military-political position of Switzerland and on the views apparently held in Switzerland with regard to the obligations connected with her neutrality.

Colonel Radcliffe is much impressed by the influence acquired by Germany over Switzerland and he draws particular attention to the importance of the army under this influence as a factor not only in defensive but possibly in offensive operations.

There happen to be statements in the Italian papers of to-day and yesterday which bear out some of the remarks made by Colonel Radcliffe in this Memorandum. The "Tribuna" gives an account of a meeting recently held at Berne in which attention was drawn to the numbers of foreigners settling in Switzerland and to the consequent weakening of Swiss patriotism. Another paper, alluding to the discontent aroused by the action of Colonel Kind in dealing with the Ticino regiment (see page 20 of the Memorandum⁽¹⁾), gives an account of a meeting of the Grand Council of the Canton of Ticino. The President of the Council is stated to have asked whether, in view of the perpetual interference of the Federal authorities in cantonal affairs, the moment had not arrived when it would be well to consider if it were desirable to remain attached to Switzerland. The agitation in the Italian-Swiss Canton of Ticino is probably not entirely unconnected with the growth of patriotic sentiment and Irredentism in Italy exemplified by the strong popular sympathy shown for General Asinari di Bernezzo.

I have, &c.

PERCY C. WYNDHAM.

Enclosure 1 in No. 335.

Colonel Delmé-Radcliffe to Mr. Wyndham.⁽²⁾

(No. 40.) Confidential.

Sir,

Rome, November 17, 1909.

I have the honour to forward a memorandum containing some considerations on the present military-political position of Switzerland.

I have, &c.

C. DELMÉ-RADCLIFFE, *Colonel,*
Military Attaché.

Enclosure 2 in No. 335.

Memorandum by Colonel Delmé-Radcliffe.

Memorandum on the Political-Military Position of Switzerland.

(Confidential.)

In discussing this subject the following may perhaps be taken as the points of chief interest:—

Firstly, the probability of the neutrality of Switzerland being maintained; secondly, the nature of the relations between Switzerland and her neighbours; and, thirdly, the manner in which the relations between Switzerland and her neighbours affect the interests of Great Britain.

In order to understand the drift of Swiss sympathies and the effect they are likely to have in the case of conflict between any of the surrounding nations, the historical development of the present situation and a number of quite recent influences must be taken into account.

In ancient times neutral States did not exist. It was only in the Middle Ages that the existence of a legal status intermediate between that of ally and enemy—of an impartial non-participation in any given conflict—began to be recognised. Up to the nineteenth century, however, only a temporary neutrality was ever considered, that is, a neutrality limited to the duration of some particular conflict.

The condition of continuous neutrality, which implies in the State assuming it the duty of maintaining itself always and in every case outside of any conflict whatsoever, with the consequent advantage of freedom of attack, is a novelty of the nineteenth century which, in 1815, was applied to the forming of Switzerland into a

⁽¹⁾ [*v. infra*, p. 423, *encl.* to this despatch.]

⁽²⁾ [The original of this despatch was sent to the War Office. The copy given above has been taken from the *Confidential Print*.]

buffer State between France and Austria. This example was followed later on by the concession of perpetual neutrality to the Ionian Isles (which ceased in 1863, when these islands were annexed to Greece), to Belgium (1831), and to the Grand Duchy of Luxemburg (from 1867 for as long as that State remained outside the German orbit).

Switzerland, which in 1521 had already signed a contract of perpetual peace with France (renewed in 1663 with Louis XIV), found herself by the stipulations of successive treaties the perpetual ally of almost all the States of Europe. In spite of this, her territory, the natural high-road between France and Austria, the German territories and Italy, was frequently violated. Especially was this the case during the wars of the French revolution and, in 1813, by the troops of the European coalition.

After the fall of Napoleon, Europe, still under the influence of the nightmare of the First Empire, wished to guard against a repetition of the French invasion, and by the Acts of the Congresses of Vienna of the 20th March and of Paris of the 20th November, 1815, the perpetual neutrality and inviolability of Swiss territory were guaranteed. The declarations of the eight signatory Powers, England, Austria, Italy, Portugal, Prussia, Russia, and, later on, Spain and Switzerland were textually as follows :—

“ Les Puissances signataires de la déclaration de Vienne du 20 mars font, par le présent Acte, une reconnaissance formelle et authentique de la neutralité de la Suisse, et elles lui garantissent l'intégrité et l'inviolabilité de son territoire dans ses nouvelles limites, telles qu'elles sont fixées, tant par l'Acte du Congrès de Vienne que par le Traité de Paris de ce jour.”

(At the moment of Napoleon's downfall, Switzerland, in accordance with the Act of Mediation of 1803, consisted of nineteen cantons. The Congress of Vienna added three more, the Valais, Neuchatel, and Geneva.) The declarations continue :—

“ Les Puissances reconnaissent et garantissent également la neutralité des parties de la Savoie désignées dans l'Acte du Congrès de Vienne du 20 mars, 1815, et par le Traité de Paris de ce jour, comme devant jouir de la neutralité de la Suisse de la même manière que si elles appartenaient à celui-ci.”

The parts of Savoy referred to are Chiabllesse, Faucigny, and all the area north of Ugine. The neutrality of these territories was created to favour Sardinia and not Switzerland, as has been sometimes stated. The declarations continue further :—

“ Les Puissances signataires de la déclaration du 20 mars reconnaissent authentiquement par le présent Acte que la neutralité et l'inviolabilité de la Suisse et son indépendance de toute influence étrangère sont dans les vrais intérêts de la politique de l'Europe entière.” (Le 20 novembre, 1815.)

These precise and definite declarations, which implied for Switzerland, not only advantages and rights, but also corresponding duties, were ratified by the Helvetic Diet, with the distinct specification that the signatory Powers bound themselves to respect the neutrality and to enforce its being respected by others.

The indefinite peace which this perpetual neutrality secures for Switzerland is also of advantage to the neighbouring Powers, because the neutral State constitutes a moral⁽³⁾ barrier which closes the most favourable roads of invasion to any nation which might have aggressive intentions.

Naturally neutrality⁽⁴⁾ implies a diminution of the sovereignty of the State, which, although relieved from the general duties imposed by international rights, has

⁽³⁾ [Marginal comment by Mr. Eyre Crowe : “ ? material.”]

⁽⁴⁾ [Marginal comment by Mr. Eyre Crowe : “ ? neutralization.”]

further special duties laid upon it. The principal of these duties, as is known, are the following :—

1. That of the neutralised State not being able to divest itself of its neutrality.
2. That of not cultivating with other States any relations but pacific ones, and of not contracting with them engagements which might induce it to take part in war.
3. That of not being able to contract offensive alliances; defensive alliances only would be permitted to it in case it were attacked.
4. That of maintaining neutrality even towards non-signatory Powers, which, however, would be reciprocally obliged to respect the neutrality.
5. That of not giving passage across its territory to foreign troops; of rejecting any attempt to obtain such passage, and, if necessary, of employing all its forces for this purpose. As it is unlikely that guaranteeing States would engage in war for the defence of the neutral State, and as they might be among the number of the belligerents, the neutral State would be forced to rely upon its own strength.
6. That of abstaining from any act whatever which might in any way interfere with the military operations of preparations of the belligerent States outside the territory of the neutral State.
7. Finally, that of maintaining the most complete and strict impartiality in relation to the belligerents, abstaining also from any act whatever which might have the character of indirect assistance in favour of one of the parties.

It must be admitted that, from 1815 onwards, Switzerland, as well as the guaranteeing Powers, has scrupulously respected the neutrality. A threat was made, it is true, by Prussia in 1856, in consequence of the suppression of the insurrectionary movement of the royalist party of Neuchatel. The Federal army was then mobilised under the command of General Dufour, but a conflict was avoided—thanks to the intervention of France, and especially of England.

During the Franco-Prussian war in 1871 the attitude of Switzerland was perfectly correct. She prohibited, in the most absolute fashion, the transport of and exportation of arms across her territory. For the defence of her frontier she mobilised 35,000 men, under the command of General Herzog. Finally, in 1871, when the French southern army, under the command of General Bourbaki, pressed by Manteuffel's troops, found no way of escape except across the Swiss frontier, the passage of the frontier was conceded by Switzerland to the French forces, but only on condition that they should lay down their arms and remain interned until the conclusion of peace. The German army, on reaching the Swiss frontier, ceased the pursuit. Thus about 90,000 men and 12,000 horses were saved from falling into German hands.

The answer to the question as to how the neutrality of Switzerland will be respected in future is not altogether an easy one. It is thought by many that the twentieth century will witness the disappearance of the perpetual neutrality which she has inherited from the former century.

That the nations interested, in case of war, in traversing Swiss territory will themselves be tempted to violate her neutrality is a matter which cannot be considered doubtful. Switzerland herself is the first to be persuaded of this, and this conviction partially explains her activity in augmenting her military forces. The formidable fortifications on her southern frontier were originally intended to enable her to oppose an effective resistance to Italian troops, which, in the case of war between France and Germany, might invade Switzerland in support of one or the other of these Powers, as Italian policy at the moment might dictate. The degree of military strength maintained by Switzerland is now so great that she would be capable of opposing such a resistance to any foreign army which might wish to traverse her territory that the loss of time, money, and men which the invading Power would have to expect might not compensate for the advantage which such a Power could

hope to gain by the violation of Swiss neutrality. These conditions are sufficient to deprive even great nations of the desire to undertake so difficult a task. From this point of view perhaps the guarantee may be sufficient that Swiss neutrality will be respected.

But is Switzerland now disposed to defend, to the very utmost and against everybody, her neutrality? It has been observed that the necessity for defending her neutrality has obliged her to augment her military power. With the increase of her power one of the conditions essential to ensuring the acceptance of the perpetual neutrality is attenuated, and that is that the neutralised State should be so weak as not to be able to aspire to intervention in international politics. But to-day the Swiss feel strong, and, with the exaggerated pride of small States, do not fail to take the opportunity of showing what they feel.

Generally speaking, the Swiss people does not admit that its neutrality will not be defended always and against everybody, and that the serious sacrifices which it makes to have a strong army might be taken advantage of for other purposes. But in political, and especially in military, circles a spirit of independence is growing which it would be wise to take into account.

The student of Swiss conditions is likely to be led to believe at first that the key-note of the Swiss attitude is independence with a determination to avoid being involved in the quarrels of the surrounding nations and to maintain the strict neutrality of their own country. This probably is the opinion held by most foreigners, even by many who are fairly well acquainted with Switzerland and the Swiss. It was my own opinion also for some time, and it is only gradually, and somewhat reluctantly, that I have been brought to take an entirely different view of the matter.

I now think the real truth to be that Switzerland has become so permeated with German sentiment that she is ceasing to be a separate nation, except in the political sense.⁽⁵⁾ The Swiss themselves do not appear conscious of the extent to which the transformation has gone and is going.

It must be remembered that 75 per cent. of the population of Switzerland is of German race. About 20 per cent. speak French as their own language, but this does not imply that this section is entirely French in its sympathies, though it is exclusively in it that the few friends of France in Switzerland are to be found. Five per cent. of the population are of Italian origin. How unimportant the Italian element is may be realised from the fact that in the whole Swiss army there is only one infantry regiment, of three battalions, of Italian-speaking troops.

The efforts of Germany to win over Switzerland to her way of thinking form an undertaking which is being conducted with great thoroughness, and with deliberate intention on the part of German military and diplomatic authorities. In the prosecution of this campaign no means are considered trifling enough to neglect, all are pressed into service for the furthering of the ends in view. It is only after a lengthened stay in Switzerland and close observation of the life of the country that one is enabled to appreciate the extent to which this campaign is carried on and the success which it is meeting with. German diplomacy is not of a delicate or skilful order as a rule. It appears often to defeat its own objects with ludicrous grotesqueness of touch. The intrigue conducted in June this year by the German military attaché, Count Rantzau, against the French military attaché, Major Morier, with the assistance of the "Berner Tagblatt," is a most illuminating case in point. That German diplomacy has been so successful in Switzerland, in spite of its characteristic clumsiness, which in other countries or with other peoples would probably have produced results the opposite to those aimed at, must be ascribed primarily to the fact that in Switzerland Germans are dealing with Germans. The Swiss are, by nature, disposed to go more than half-way towards accepting the policy which is being prepared for them by Germany.

(5) [Marginal comment by Mr. Eyre Crowe: "separate 'nations' exist only in the political sense. E. A. C."]

Among the large number of German influences in Switzerland it is not possible to refer here to more than a few. The community of language is, of course, a factor of the utmost importance when combined with a disposition which causes the people to absorb with readiness any principles, ideas, and opinions cast in the German mould.

Education throughout Switzerland is conducted entirely on German lines, with some small original touches which, in this connection, are of slight importance. The books of instruction are to a great extent German. The masters themselves are Germans or have, in a large number of cases, received their training in Germany. Besides this it is the custom with many Swiss families to send their children for education to Germany with a view to profiting from the wider intercourse available there. Formerly children used to be sent to France for education. Now most Swiss parents, except a few families in French Switzerland, would consider sending their children to France as equivalent to their abandonment to the devil.

The general literature of Switzerland is almost exclusively German. To obtain any assurance on this head it is merely necessary to look, for a few minutes, into any bookseller's window in any town in the country.

The further daily education of the public by the press is also inspired by Germany. The articles on general subjects, art, science, politics, foreign countries, &c., follow almost exclusively German lines of thought, even when not written direct by German correspondents. The extent to which the German writer dominates the Swiss press may be realised when it is stated that of one of the large newspapers, the "Neue Züricher Zeitung," the Berlin, London, Paris, Madrid, Rome, Constantinople, Vienna, and St. Petersburg correspondents are all Germans.

A similar proportion of German correspondents exists on the staffs of the majority of the other papers in the country, when they have any staff at all. Besides, German papers themselves are circulated and read very largely in Switzerland. The result of all this is, of course, that three-quarters or more of Switzerland views the world entirely through German spectacles.

There is also reason to believe that the German Government subsidises certain Swiss papers. These industriously glorify Germany and everything German while depreciating Italy, France, and England. The small local papers in Switzerland are in the habit of accepting printed articles, costing nothing, which are supplied by anonymous or unrevealed German writers and are intended to educate Swiss public opinion in a German sense.

I have before me at this moment a series of the "Bund," in which paper a succession of articles on the principal foreign armies has been published. As usual the German army is described as the acme of perfection in all matters, while the other armies, except the Austrian, are depreciated with greater or less emphasis. The Swiss press publishes a very large amount of military information and articles—in proportion far more than the daily press of any other country. This is due to the fact that military matters are the most favourite subjects of discussion among the Swiss people. The pro-German orientation given to their views by this means is correspondingly important.

Nor must the influence exercised by the large number of Germans in Switzerland be forgotten. Everywhere now Germans are to be met in increasing numbers. They appear as tourists, business men, in society, in trade, and they all spread the German gospel. They can enter into close relations with the people of Switzerland with an ease denied to other nationalities. This is due to the community of language and also because of the identity of their views on all social matters, on the relations between the sexes, on religion, art, literature—in fact, of their whole mentalities.

The extensive immigration of Germans into Switzerland is a most serious phenomenon. They are multiplying with such rapidity that they cannot fail to exercise an increasingly important influence on the development of the people. In Zürich there are now 40,000 Germans. In Basel and the neighbourhood there are nearly 60,000. In all Switzerland Germans now form 10 per cent. of the population. At the present rate of progress the German-born will soon equal the native-born

Swiss in numbers. This large influx of Germans escapes the notice of most foreign observers, as there is little to distinguish the new-comers from the natives. The attraction lies in the high wages, business advantages, and the possibility of escape from onerous military and civil obligations in Germany. The immigrants are industrious and rapidly settle down to the ordinary avocations and industrial life of Switzerland. They soon form an integral part of the Swiss population, and often take Swiss nationality in the first generation.

No similar phenomenon is to be observed on the Italian or French sides of Switzerland. In Geneva it is true that there are some French, but these are religious refugees or people who have found their own country too hot to hold them. They cannot be regarded as immigrants, as they do not settle in the same manner as the Germans in the north. It is also the case that many Italians come to Switzerland, but they are almost entirely labourers who return to their own country when they have made a little money. The permanent invasion is thus purely German.

This form of extension of German influence is natural and not the result of any deliberate action either on the part of Switzerland or Germany. But deliberate action is taken by the German authorities in numberless ways, besides through the press as referred to above. For instance, it is the policy of Germany to encourage young Swiss to enter her army and navy as officers. These men frequently make very good careers, no doubt largely owing to their personal merits, but, I am led to believe, also owing to the desire of the German authorities that the youth of Switzerland (and the parents, relations, and friends) should look upon service in the German army or navy as agreeable and profitable.

I am personally acquainted with several Swiss officers in the German army and in the German navy. These, when they return to Switzerland, carry the atmosphere of Germany with them and are more German than the Germans themselves. In addition the German military authorities extend exceptional facilities to Swiss officers, serving a year or two at a time for instruction, in the German army. It used formerly to be the custom in Switzerland to send a few officers each year to serve in other armies also. This practice is being discontinued, and all such officers are now sent to Germany. In connection with this matter the remark has been made more than once to me: "It is quite sufficient for us to send our officers to the German army. We have no desire for them to be corrupted by the bad influences of the French army. In Germany it is possible for them to learn everything that is of use to an officer, far better and in less time than anywhere else."

German military influence in Switzerland is very far from stopping short at this point. The military literature in vogue consists to the extent of at least 90 per cent. of purely German writing. German theory and German practice dominate the Swiss military world, practically to the entire exclusion of any other source of military knowledge.

The German authorities use insidious forms of flattery towards the Swiss army, which, as the Swiss army is practically the Swiss people, have a far-reaching effect. Swiss officers are invited, officially and unofficially, in large numbers to German manœuvres. During the manœuvres of the XIVth Army Corps in 1908 something like 300 Swiss officers received passes to attend. A party of twenty attended as the personal guests of General von Hüne, commanding the army corps.

The German authorities almost invariably send generals to attend the Swiss manœuvres. On these occasions the deference with which the German group of officers is treated is significant. This year, for instance, though the manœuvres were on quite a small scale (brigade against brigade, with three batteries of artillery and a little cavalry on each side), still they were attended by General von Gündel, General-Quartermaster at the War Ministry in Berlin, with a major of the General Staff in attendance, in addition to the two military attachés. The senior Swiss officer present, when making his speech of welcome to the foreign officers at a luncheon on the first day of the manœuvres, gave expression to the gratitude of the Swiss officers for the high honour rendered to the Swiss army by the presence of so distinguished a

German general. No reference whatever was made to the other five armies of which representatives were present. He continued that it was not realised, perhaps, in Germany how much the visits of high German officers to the Swiss army were valued; they were a great encouragement to Swiss soldiers of all ranks, owing to the proof they gave of the friendly interest taken by Germany in the Swiss army.

Nor is it only by sending generals to attend the manœuvres that German interest in the Swiss army is shown. In higher quarters still German sympathy has been emphasised. The Crown Prince of Germany has spent two winters at St. Moritz, and has shown much favour to representative young Swiss while engaged in enjoying the so-called "winter sports." His Imperial Highness has on all occasions shown a very strong desire to achieve popularity in Switzerland. Semi-official and guarded efforts were also made on his behalf to obtain an invitation to attend the Swiss manœuvres. These feelers did not meet with the result of eliciting an invitation, but they certainly achieved the intended object of applying a delicate piece of flattery to the Swiss army.

Not only on behalf of the Crown Prince, however, were feelers of this character put forward, but even His Majesty the Emperor caused confidential enquiry to be made as to whether he could attend the Swiss manœuvres himself. After a meeting of the Federal Council in connection with this matter the German Minister, Herr von Bülow, was requested to inform His Imperial Majesty that, while fully appreciating the high compliment, the Federal Council felt reluctantly constrained to represent that the Swiss were a simple people; that the members of the Council themselves were bourgeois, with no knowledge of Courts or how to deal with the protocols necessary in such cases; that the means of entertaining so august a visitor did not exist in Switzerland; and that consequently they could not do themselves the honour to extend the invitation suggested. The visit therefore will not be made, and yet in this case also the result aimed at has been achieved all the same. The flattery has been administered, and throughout the Swiss army is very willingly accepted. It has been interesting to observe with what eagerness Swiss officers have discussed the possibility of the Emperor's coming, and how agreeable such a suggestion has evidently been to the army.

In considering the effect of these overtures on the Swiss mind distinction must be drawn between the older and the younger generation in Switzerland. The older generation, which is well represented by the members of the Federal Council, contains many men of sturdy, straightforward character, who are thoroughly and wholly national and independent. They form a section of the Swiss population which singularly resembles the best of the patriarchal Boers. These men are not anything like to the same extent under German influence (or the influence of any other country, for that matter) as the younger generation. It is the latter which, with its eyes shut, is now being so rapidly Germanised, and it is the latter which is all-important in this connection.

The extensive family relations between Swiss on the one hand and Germans and Austrians on the other cannot fail to produce certain results. Colonel Corps-Commandant Wille, Commander of the IIIrd Army Corps, the man who, in the event of war, would certainly be appointed general and commander-in-chief of the Swiss field army, comes of a Hamburg family, and is a naturalised, not a born, Swiss. His wife was a Countess Bismarck, a niece of the Chancellor's. His sons have all served for certain periods with the Guards in Berlin, and he has been invited repeatedly to German manœuvres as the guest of the Emperor. He is a man of great ability and activity. Besides commanding an army corps and being perhaps the most influential military authority in the country, he is also the proprietor and editor of the most important military paper in Switzerland—the "Allgemeine Schweizerische Militärzeitung." The pro-German influence of such a man can be easily understood.

Another example is the Chief of the General Staff, Divisional-Colonel von Sprecher-Bernegg. This man comes from the Graubünden, where he has property. He has many relations in the Austrian army, including a brother who is a general,

and who, in 1908, came as the chief of an Austrian mission to the Swiss manœuvres. The chief of the General Staff is saturated with German military ideas and German-Austrian sympathies.

Such instances could be indefinitely multiplied were the recital of them profitable. It must therefore be accepted that these family relations are another potent cause of pro-German-Austrian sympathies in Switzerland.

A very significant sign of the weakening of Swiss national feeling is the manner in which the more well-to-do classes are coming to regard the national dialect—the Schwyzer-Dütsch. This is a fine, archaic, virile language, with much poetic force of expression, and which is very dear to truly patriotic Swiss. Beside it, modern High German sounds decidedly affected and inferior.⁽⁶⁾ Unfortunately Schwyzer-Dütsch is not used in writing, and so must inevitably give way to its more useful modern rival. But it is still almost universally used by the Swiss when speaking together, and it is recognised that when the practice ceases the Swiss will have lost much that makes for an independent national spirit. Now some modern Swiss are beginning to be ashamed of the Schwyzer-Dütsch. A proof of this was furnished at this year's manœuvres by the colonel of an artillery regiment—who at the same time is an active pro-German politician and proprietor of a paper called the "Toggenburger Anzeiger." The colonel apologised to a young English officer, who was present, for using Schwyzer-Dütsch during a discussion with his own officers. On the Englishman saying that of course he quite understood their preference for the language of their country, the colonel replied, "Oh, but you must not imagine that we are such uneducated peasants as not to be equally at home in High German." Such a speech, with its implied depreciation of Schwyzer-Dütsch, would have made a Swiss patriot of the old school boil with anger. It was possible only in the mouth of a pro-German parvenu. But it is significant that he dared to utter it in the presence of other officers.⁽⁷⁾

Unfortunately the reverence for the national characteristics is diminishing in Switzerland. With the disuse of Schwyzer-Dütsch another nail will have been driven into the coffin of the Swiss independent nationhood.

Another indication, and to my mind a serious one, of the extent to which Germanism is penetrating into Switzerland is the following: Two officers of the instruction staff, men of unusual experience and knowledge, and both men who had been sent to follow the Russo-Japanese campaign on the spot, have, in conversation with me, admitted that they thought the Swiss authorities were making a mistake in so slavishly imitating everything German. They both, however, begged me not to let it be known that they held these views, as it might be bad for their careers.

An indication has been given of the hypnotism which is exercised by German military prestige on Switzerland. Another influence which is also being worked with great effect from Germany is the commercial one, the pressure of the pocket. German trade relations with Switzerland are managed, in the political sense, with considerable skill and with varying degrees of opportunism. The definite end in view is that of inducing commercial Switzerland and the capitalist manufacturers, the so-called "Industrielle," a section of rapidly increasing importance, to consider that the inclusion of Switzerland in the Zollverein would be of great advantage to her. Abstract arguments on the inevitable modern tendency of small States to agglomerate with larger ones are complacently indulged in as a soporific to patriotic scruples. The sentiment is frequently heard that it is impossible for a small country to conduct an economical struggle with so vast a neighbour, and that, if a member of the Zollverein, Switzerland would be in a position to derive far greater profit from her natural resources in power and from the intelligence and industry of her workmen. The policy of Germany in connection with the long-drawn-out struggle on the question

⁽⁶⁾ [Marginal comment by Mr. Eyre Crowe: "No, no! It is a peasants' dialect and has all the faults of such a dialect."]

⁽⁷⁾ [Marginal comment by Mr. Eyre Crowe: "I doubt this being correct."]

of the imports of flour is a case in point. The great war reserve of grain formerly maintained by Switzerland has been exhausted, and mill after mill is shutting down. The pressure is severe here.

A similar policy is being pursued, with patient foresight, in connection with the railways, always with the same object of bringing Switzerland still more within the German fold.

So abrupt a change as the surrender of her independence is of course never even distantly hinted at to Switzerland. The most daring do not go further than to suggest that the inclusion of Switzerland in the Zollverein would be so arranged as to be not incompatible with her retention of her own sovereignty and complete political independence. There are many Swiss "Industrielle" who believe this to be possible, and the number of those holding this view is rapidly increasing.

The peaceful penetration of Switzerland by Germany being admitted so far, it remains to examine what effect the present condition of things has on Switzerland's relations with her other neighbours. Little reference need be made to Austria, for Austria, for this purpose, may be regarded as being practically a part of Germany. Austria's rôle is more passive, but follows the German lead, and little real distinction can be drawn between these two countries.

The grouping of the States surrounding Switzerland is now: Germany and Austria closely allied *versus* the Latin nations—France and Italy. Between the latter, however, so close an association does not exist as between Germany and Austria.

The feeling of the bulk of the population of Switzerland for Italy is distinctly unfriendly. The Swiss regard Italians with profound contempt, and the popular nickname "Tschinck" for the Italians (from the Italian game "cinque") represents in the Swiss mind something parallel to what the word "nigger" does to the white soldier in the tropics.

The dislike for everything Italian makes itself felt even in the Swiss canton of Ticino, which frequently feels itself aggrieved by the treatment meted out to it by the Federal Government. It complains that in railway questions, the appointment of State employés, and a host of minor points it is not dealt with fairly. The general discontent of the Ticinese and the contempt and assumption of superiority of German Switzerland lead to constant little frictions. The most recent illustration of this is the appointment of a "German" colonel to command the Ticino Regiment. This officer, with German tact, signalled his assumption of the command by an address to the regiment in which he gave it a "dressing down" and announced his intention of dealing with it in a drastic fashion. Whatever the merits of the case may be, the Ticino press is up in arms demanding the immediate removal of the offensive "German." The matter has not been settled yet.

To the outsider the grounds for this extreme contempt and hostility of the Swiss towards the Italians appear insufficient. They lie partly in the relations which existed during many centuries of past history between the independent German-speaking parts of Switzerland and the Italians. The antipathy is being augmented by the carefully applied insinuations and suggestions emanating from military and political sources in Germany. Even the well-educated Swiss have been led to believe that in Italy they have a potential enemy with whom it may one day be necessary to have a military reckoning. And yet to an impartial foreign observer it would appear that if any country is animated with entirely peaceful intentions towards another it is Italy in regard to Switzerland. Fantastic as the idea of an Italian attack upon Switzerland must be, to the Swiss it appears as a concrete possibility, and the fact must be reckoned with in appraising the eventual political attitude of Switzerland.

The firmness with which the idea has been implanted into the Swiss mind is worthy of particular attention. It may indicate the real views held in Germany as to the position which Italy would occupy in the event of a conflict in Europe. Were Italy regarded by Germany and Austria as an integral portion of the Triple Alliance, and as a nation entitled to full consideration as an ally, it is inconceivable that Switzerland should have been induced to regard her with so much suspicion. There

is the possibility that a closer understanding exists between Switzerland on the one hand and Germany and Austria on the other than is at present suspected.

Whether the rumours of a convention made this spring between Switzerland and Austria against Italy are true or not, the Italian General Staff has reasons for believing that conversations on this point did take place between those in authority in the two countries. It was thought unlikely that Switzerland had undertaken to concede to Austria free passage for her troops across Swiss territory. But it was thought probable that Austria had obtained an assurance that Switzerland would guarantee to oppose by force any attempt to violate her territory on the part of Italy. Thus Austria would have her right flank protected without the necessity of detaching any special body of troops to carry out this function. Colour is lent to this assumption by the fact that Austria moved a portion of the troops which had been in the Trentino farther to the east and into Bosnia and the Herzegovina just at this time.

The Italian Government took it into consideration to request a clear declaration on the part of the Federal Government as to its intentions in this matter, arguing that if Switzerland were also determined to insist on Austrian respect for the inviolability of her territory there would be no prejudice to Italian interests. On the contrary, an assurance similar to the one which it was supposed might have been given to Austria would be of great advantage to Italy, and it would enable her to dispense with two detachments in the Valtellina—one to protect her left flank and the other to watch the Splügen, Maloggia, and Bernina Passes, through which the deployment of the Italian armies might be threatened in rear.

The request for a clear declaration from the Swiss Government was not made. The reason for not asking for it is not known. It may have been timidity.

The Swiss dislike of France and everything French is to be partially ascribed to the German efforts in prejudice of France, but they are given substance by other causes. For instance, the memories of the treatment of Switzerland by France at the end of the eighteenth and beginning of the nineteenth century are far from being effaced in the popular mind even yet.

A deep-rooted bitterness against France is still extant, and is likely to remain for generations to come, no matter how peacefully the intervening years may pass. The religious question is also very important. A large portion of Switzerland is Calvinistic and Protestant, while another portion is Catholic. The majority of the people are very devout. Atheistic ideas have at present not made any headway, except, perhaps, in Geneva and among the Socialist classes in Zürich and Basel. In these places, however, such ideas are of foreign importation and are very repugnant to the bulk of the inhabitants of the country. Again, a large number of members of religious orders have left France in the last few years and have taken up residence in the Catholic parts of Switzerland. Their influence adds to the general condemnation of the French Government and to the profound disapproval of the whole social state of France as it exists at the present time.

There is apparently no sympathy whatever between the two countries on the score of their being both republics. The Swiss, although republicans, are genuinely conservative also. They consider their Government and social order to be of superior character to that of the French. The opinion is widespread that the French are an utterly immoral, degraded, degenerate, and failing nation. The German-speaking parts of Switzerland look down upon the French-speaking parts of their own country. Their mental attitude towards France herself is one of ineffable contempt. As for the French army, it is considered to be without discipline, without patriotism—an utterly unreliable instrument of war which cannot be compared in any way with that of Germany.

In this connection the fact must not be lost sight of that the French have done nothing for years past to cause the Swiss to hold them in higher esteem. Had it been done with intention France could hardly have played into the hands of Germany more successfully. In all commercial disputes with Switzerland she has shown the most callous disregard for the feelings of the Swiss. Her railway policy similarly

appears to have been dictated at times by a revengeful spirit. Her choice of the diplomats sent to represent her in Switzerland has not been fortunate. In most cases the members of the French missions in Switzerland have not known German or shown that they desire to get into real touch with the people. A slight exception is made in favour of the French-speaking parts, but there a good understanding is less difficult and less important. One Ambassador after another has been more or less distasteful to the Swiss. It was different in the case of M. Révoil, an able, sympathetic, unassuming, and straightforward man, whose good influence in Switzerland would have been considerable had he remained at his post for any length of time.⁽⁸⁾

A recent example of the typical French failure to consider the feelings of the Swiss is the intervention of M. Millerand at the ceremonies in connection with the unveiling of the world-post monument in Berne. M. Millerand took upon himself to make speeches which by precedent and etiquette should have been delivered by the French Ambassador. His object in doing so was to secure the opportunity of "acquiring merit" in certain circles in France by a fulsome eulogy of the postmen and subordinate employés of the postal service. The Swiss were very indignant that M. Millerand should have made this use of "their" ceremony. Nobody in Switzerland cares a straw what the French letter-carriers think of M. Millerand, and the Swiss public as a whole are entirely out of sympathy with such pandering to a socialistic policy. In marked contrast to M. Millerand's utterances, and much more to Swiss taste, were the speeches of the German representatives on this occasion. The vigour of language employed by some Swiss critics of M. Millerand would probably have caused that politician considerable surprise could he have heard them, and might have enlightened him and his compatriots as to the esteem in which they are held in Switzerland.

As an indication of the Swiss feeling towards the French and German armies respectively the matter of sending Swiss officers abroad for instruction has already been referred to. Another proof of the same thing is furnished by the light in which French officers who attend the Swiss manœuvres in a private capacity are regarded. This year, for instance, a well-known French habitué of Swiss manœuvres, a retired major of the name of Dolfuss, who lives for part of the year in Switzerland and has a large number of Swiss relations, appeared as usual. The commander of the 1st Army Corps said, in private conversation, that it was very peculiar that Major Dolfuss should come so often to the Swiss manœuvres, that his reason for doing so could not be understood, that he had recently been decorated by the French Government, and that all the circumstances were most suspicious. Major Dolfuss, it is true, writes magazine articles and generally interests himself in military matters, as do so many retired officers on the continent, but beyond this there appears to be no reason for suspicion, except on the ground that he is a Frenchman. Similar remarks are never made about German officers, though they also attend Swiss manœuvres privately in large numbers and act in a similar manner.

The feelings of the Swiss people towards the nations nearest them have a close connection with their attitude of mind towards those next in propinquity. Thus England bears a two-fold odium: one portion of it is due to the atmosphere of hostility created by German influences; the other must be ascribed to the fact that England is on good terms with France and Italy. It is true that England has many individual friends in Switzerland, especially among the travelled and educated classes, Switzerland also has no shadow of a grievance against England or grounds for unfriendliness. It is difficult to imagine how Switzerland would benefit by any harm to England. But yet, and in spite of the real obligations under which Switzerland lies to Great Britain, and which are acknowledged in a theoretical, abstract kind of way, this does not prevent the latent feeling of hostility which now exists. In the country at large there is a rancour which is only the reflection of the feeling against England so incessantly voiced in the German press and by Germans everywhere. It

⁽⁸⁾ [The rest of this paragraph is omitted as it contains personal comment only.]

is, of course, not so violent as the hatred of the Junker classes in Prussia, but it is there all the same and should not be forgotten. In the event of strained relations or hostilities between England and Germany, it may be confidently expected that Swiss sympathies will be entirely on the side of Germany. How ready Switzerland is to turn against England was shown at the time of the Boer war.

Some remarks recently made to an English officer by a prominent Lucerne journalist, who is also a lieutenant-colonel in the army, show the tendency of Swiss thought in connection with England: "You, of course, are English," he said. "and no doubt have English ideas, but you must understand that we Swiss are very well disposed towards Germany." Another remark by the same individual was: "Some day soon Germany will be securely placed in Antwerp and Rotterdam; then she will stretch the brotherly hand out towards you. She will be so near." These remarks were made with no friendly or joking intonation, and were all the more in bad taste as the English officer was at the moment the official guest of the Federal Government, and had not mentioned Germany.

Foreigners, except Germans, very rarely get into touch with the real feelings, opinions, habits, and qualities of the people of Switzerland. There can be few countries so much visited and of which the visitors know so little concerning the inhabitants; but the attitude of mind of the Swiss towards their neighbours is really a matter of considerable importance.

It is impossible to doubt that the continual efforts of the German press, German military influence, German diplomacy, natural causes, and French carelessness are causing Switzerland to regard France and Italy as her only possible enemies.

Switzerland, of course, does not contemplate fighting either France or Italy alone. So far as can be foreseen, the possibility of her being brought into a war would depend on her neighbours being involved, or about to be involved, in hostilities. If Italy were still an ally of Germany and Austria, Swiss energies would be entirely directed against France. If Austria were fighting against Italy, it is probable that Switzerland would employ one-third of her forces against Italy and the remainder against France.⁽⁹⁾

The existing Swiss fortifications are directed exclusively against France and Italy. In a military sense she has now turned her back on Austria and Germany with, apparently, complete confidence in the benevolence of these two nations. The re-formation of the army into six divisions, which is now being prepared, is chiefly due to the desire for an arrangement which will enable it to be more effectively employed in offensive or (less likely) defensive operations against Italy or France, or both together.

It is impossible to say with any degree of precision to what extent an understanding exists between the German General Staff and the Swiss military authorities, though numberless small indications point to something of the sort. Possibly, however, nothing more definite than a highly developed reciprocal good-feeling unites them at present. There is reason to believe, however, that Switzerland has been convinced that France, in the event of hostilities, intends to violate Swiss neutrality in order to obtain the strategic advantages which passage across Swiss territory might give her. There is also strong reason to suspect that Germany has satisfied Switzerland that she will scrupulously respect Swiss territory herself, no matter what line she may take to turn the French defences.

It seems certain that were Germany to play her cards with sufficient skill there would be little difficulty, as things stand at present, in inducing Switzerland to proceed to offensive measures in support of what would really be German policy, just as if the Swiss formed the extreme left wing of the German army.⁽¹⁰⁾ Information conveyed to Switzerland that France were preparing to move troops towards the Val de Travers and other passes of the Jura would be sufficient to put the Swiss army into motion.

⁽⁹⁾ [Marginal comment by Sir C. Hardinge: "I can hardly believe all this. C. H."]

⁽¹⁰⁾ [Marginal comment by Sir C. Hardinge: "I doubt this. C. H."]

The quality and organisation of the Swiss army must be taken into serious account in order to arrive at a correct appreciation of the influence it is capable of exercising in Central European affairs.

It is in all respects an army prepared equally well for offensive warfare beyond the limits of Switzerland as for defensive warfare within those limits. This fact should not be lost sight of, as it is of considerable importance. It is well organised, well equipped, well trained, and efficient. The discipline is very good, and the spirit admirable. There can be no question but that it is a powerful fighting machine. Opinions are misled by its being styled a militia army. For war purposes it will be found to possess many of the best qualities of the most regular armies in the world. Moreover, it must be remembered that the aggressive fighting instinct of the Swiss nation is still in existence. It may be dormant, but it is very strong yet. The weakest point of the Swiss army perhaps lies in the leadership of some of the higher commanders, but it is sure that the commands would be confided to the best men if war broke out. The artillery, in comparison with the other arms, is behind the times in tactical training, but it is in any case far superior in fighting value to the Italian field artillery.

The armed forces of Switzerland amount to about 260,000 men. The auxiliary (unarmed Landsturm) services amount to another 250,000 men. The importance of the Swiss army as a military factor lies, however, almost as much in its readiness for action as in its numerical strength. There is no army in the world which can be so rapidly mobilised. Every man, gun, and vehicle of the field army would be ready for the field by the evening of the third day after the issue of the mobilisation order—the whole of the infantry and cavalry even on the evening of the first day, were the order to be issued in the early morning.

The re-formation of the army, alluded to above, will dispose it in six large divisions with three independent brigades of mountain troops, instead of in four army corps as at present. It is probable, however, that these divisions will individually fall not far short of the present army corps in strength. It is contemplated to increase the present thirty-seven Landwehr infantry battalions to fifty-four battalions. The place of the Landwehr in the second line will eventually be taken by organised formations of the armed Landsturm, to the development of which great attention is now being paid. Besides this, it is intended to increase the number of cavalry units, and to introduce field howitzers, so that the dotation in cavalry and guns of the divisions will virtually amount to the present establishments of the army corps.

The Swiss authorities are extremely anxious to anticipate the rearmament with an automatic rifle of the French and Italian troops by the adoption of an automatic rifle for the Swiss infantry. This matter is being pursued with great energy and an unusual amount of secrecy. There is little reason to doubt that, as far as Italy is concerned at any rate, the wishes of the Swiss Military Department will be gratified and that the power of the Swiss infantry will thus be proportionately increased.

In comparing the fighting value of the Swiss with that of the Italian army it is perhaps not too much to say that as things are at present the Swiss are capable of successfully dealing with double their own strength of Italian troops. The latter would melt away before the highly developed fire discipline and good shooting of the Swiss infantry like a block of ice under a jet of hot water. There can be little real comparison between the quality of the troops of the two nations. Were Switzerland to make up her mind (or to have it made up for her) that she must fight Italy, she would proceed to do so with great alacrity and complete confidence. The Swiss troops would remember that it would not be for the first time in history that Swiss fighting men had invaded Lombardy. Owing to the excellent mobilisation arrangements of the Swiss there is no doubt that their forces could descend into the plains, cut the railways, and paralyse the lines of communications with great rapidity far quicker than Italian troops could be assembled in sufficient strength to prevent this enterprise.

The value which is placed by French critics on the Swiss army may be gauged from the fact that the French military attaché in Berne, a very hard-working and

intelligent officer, considers that the Swiss army could contain six French army corps and that France would be forced to employ that force for the exclusive purpose of dealing with a hostile Switzerland. There is some reason to believe that Germany counts on this containing power of the Swiss army. German General Staff officers are known to have said that Swiss co-operation against the French in the south would effectively counterbalance any support which England could give to France on land during the earlier part of a campaign.

How thoroughly the Swiss are preparing themselves for the eventuality of having to fight France or Italy innumerable facts tend to show. General Staff rides are constantly taking place on both frontiers—they never take place on the Austrian or German frontiers now. During these exercises, which are ostensibly for the purpose of instruction, the most minute studies are made of the ground along the frontiers from the strategical, tactical, supply, and logistic points of view. The same officers extend their investigations in smaller parties, or singly, and in plain clothes, beyond the frontiers of France and Italy. These studies continue through all seasons of the year and every year. Careful plans for the fortification of important points are drawn up to be executed by the auxiliary services without loss of time when required. Roads, railways, bridges, passes, &c., on both sides of the frontier are carefully examined. The minutest calculations of the carrying capacity of the railways are made, and time-tables are prepared to regulate the rapid transport of the whole army in accordance with the plans of the General Staff. These are based on a variety of assumptions corresponding to the part Switzerland intends to play under varying political hypotheses. Every imaginable case is provided for, and the scheme corresponding to the selected plan would be immediately acted upon. Nothing will have been left to chance. In both directions south and west the Swiss army will be ready to act with decision, and every preparation which it is possible to make in peace time will have been made to enable the plans to be carried out successfully.

An important portion of the Swiss machinery for war are the so-called "services in rear of the army." These include arsenals, hospitals, fifteen horse depôts, and a large number of men's depôts to provide reinforcements for the units at the front. All these establishments would naturally be located in such positions as the strategical conditions dictate. The details are secret, but it is known that at the present time the disposition for these depôts on mobilisation will place them all in the north, east, and centre of Switzerland. This clearly points to a campaign being contemplated on the western or southern frontiers. The establishments must of course be in the most protected positions, where their work can be carried on with the least interference during the progress of war, and whence the drafts of men and horses can be dispatched when required to join the field troops. Many other indications of a like character reveal the tendency of the preparations made by the General Staff.

If other proofs were needed of the possibility, to use no stronger word, that Switzerland, if she thought fit, would not hesitate to discard her neutrality and proceed to offensive action on her own account, they may be found in such facts as the following:—

In the Federal message of the 19th December, 1904, relating to the project for the ratification of the treaties of arbitration between the Confederation and various nations, it is said: "We have always considered that the true guarantee of our neutrality rests, before all else, on the firm intention which we have to ensure for all time, and by all means in our power, the protection of, and the respect for, our rights as a sovereign and independent nation."

Last autumn, on the occasion of the publication of a pamphlet by the French general Langlois on the Swiss manœuvres of 1907, in which he stated that "the mission of the Swiss army consists simply in ensuring respect for the neutrality of the country," the Swiss press rose up in protest against this conception as diminishing the importance of the Federal army, and affirmed that, in case of war, Switzerland possessed, like any other State, the same right to take all the measures she considered necessary for the defence of her independence. The "*Revue militaire suisse*" of

Geneva (I quote intentionally from a publication of French Switzerland), which reflects faithfully the dominant opinion in military circles, said, in this connection: "If anxiety on behalf of our independence obliges us to declare ourselves on one side or on the other in an international quarrel, and counsels us to act defensively against one or other of our neighbours, we are absolutely within our rights by international law to take such action."

(It may be pointed out that all Swiss military opinion insists, in season and out of season, that the best defensive is a timely offensive. In this, of course, it merely follows a sound military instinct.)

In other terms, it is clear that Switzerland reserves to herself complete liberty of action in accordance with what she considers her interests. The formula is very convenient for the Confederation, but somewhat disquieting for limitrophe nations which, like France and Italy, see that these claims to rights of sovereign and independent nationhood are more strongly emphasised against themselves.

In a pamphlet published quite recently by Divisional-Colonel Wildbolz, commanding the IInd Division (forming part of the French-speaking Ist Army Corps) and Chief of the Arm of Cavalry, occurs this passage:—

"Enfin, nous n'avons aucune raison de croire que notre général doit être inférieur à celui de notre adversaire éventuel. Tout permet d'espérer qu'il n'attendra pas l'attaque de l'envahisseur, mais qu'il tombera sur lui au moment propice, comme l'ont si souvent fait avec gloire ceux qui ont fondé notre indépendance."

The conclusion, therefore, is that diplomacy should not attach greater value to the neutrality than the assumption that perhaps, but only perhaps, the Federal Government will not conclude precautionary agreements of a political or military character with other nations. Beyond this the Federal Government certainly considers itself, in case of conflict, entitled to act, and will act, with complete freedom and in accordance with what it believes to be its interests. Italy and France, *a priori*, would be wise to recognise that Swiss military action will inevitably be directed against themselves.

The facts, opinions, and deductions in the foregoing may be briefly summarised as follows:—

Since the Franco-German war Switzerland has been coming more and more under the influence of Germany. Her sympathies are now entirely pro-German-Austrian and anti-French-Italian-English.

She considers that France or Italy, or both, may desire to violate her territory. She has now a very efficient and ready army. She may, under certain circumstances, not feel herself bound by any obligations or neutrality. Finally, the intervention of Switzerland in a European struggle may produce results of a far-reaching and perhaps decisive character of which the possibilities should not be left out of account.

C. DELMÉ-RADCLIFFE, *Colonel,*
Military Attaché.

Rome, November 17, 1909.

MINUTES.

This is an interesting and suggestive report. It confirms, with ample detail, the warnings which we have from time to time received from Sir H. Angst at Zürich as to the process of steady Germanization of Switzerland. The process is a natural one and could not be stopped by anything we could do, even if we wished to. I do not however think that it would be to our interest to oppose the spread of German influence in Switzerland. For in spite of Colonel Delmé Radcliffe's warnings, I hesitate to believe that Switzerland is likely to enter upon an aggressive foreign policy. The facts reported do not seem to me to warrant any inference that Swiss military preparations have any other purpose than the defence of Swiss neutrality. It seems clear that it is not Germany that threatens that neutrality. We have no indication as to any French or Italian designs upon it. No doubt if such designs were harboured, Switzerland would oppose their execution by force and this might well, as Colonel Delmé Radcliffe states, materially affect the disposition of French or Italian forces in a war against Germany. But no one would dream of criticizing Switzerland for defending her neutrality.

Of course if Switzerland were to attack France or Italy without provocation, or join Germany in any attack on those countries without being compelled to do so by a menace to her neutrality, there would be no defence for such an attitude. Nor is it easy to understand what could tempt Switzerland to embark on such a course. She could hardly hope to acquire Savoy permanently even if she succeeded in occupying it temporarily, except after the complete overthrow and ruin of France. It will require very conclusive evidence to prove that any such step is contemplated by Switzerland.

That France should so completely lose her influence in Switzerland is perhaps to be regretted. But that is not our affair.

Commercial Dep[artmen]t.

E. A. C.

Dec[ember] 11.

Q[uer]y. Thank Colonel Delmé-Radcliffe for his interesting memorandum.

He shows very conclusively where Swiss sympathies lie, but it is difficult to believe that Switzerland will abandon her present secure position for aggressive action, or that either of her southern neighbours will lightly give her provocation for such action as long as she can defend her neutrality.

W. L.

C. H.

It is an interesting paper, though I agree that some of the conclusions are probably rather forced. Nevertheless it is well that it was written.

E. G.

No. 336.

Mr. Bax-Ironside to Mr. Langley.

F.O. 371/746.

44052/44052/09/43.

My dear Langley,

Berne, December 30, 1909.

. . . .⁽¹⁾ The matter is, I think, one of importance, as I do not agree with the tenour of his memorandum.⁽²⁾ I do not think Switzerland would barter her independence for the sake of Germany, unless her territory were violated. I admit that German influence is increasing, and this is natural, but it has not, in my opinion, reached anything like the pitch mentioned by Radcliffe. The French-speaking Cantons would be up in arms at the idea of a coalition with Germany, and when it came to an "ad referendum" vote, they would be joined by a large number of the German-speaking Swiss, who value their independence before anything else. . . .⁽¹⁾

Yours very sincerely,

H. BAX-IRONSIDE.

⁽¹⁾ [The omitted paragraphs refer to the channels through which Colonel Delmé-Radcliffe, the British Military Attaché at the Embassy at Rome and the Legation at Berne, should send his despatches.]

⁽²⁾ [v. immediately preceding document, *encl.* 2.]

No. 337.

Mr. Bax-Ironside to Sir Edward Grey.

F.O. 371/990.

4751/4751/10/43.

(No. 9.) Confidential.

Berne, D. February 7, 1910.

Sir,

R. February 10, 1910.

With reference to your despatch No. 1. Confidential (44052/09) of the 10th ultimo,⁽¹⁾ forwarding a Memorandum by Colonel Delmé-Radcliffe, Military Attaché to this Legation, containing some considerations on the present military-political position of Switzerland, I have the honour to make the following observation.

⁽¹⁾ [Not reproduced (F.O. 371/746. 44052/44052/09/43), it merely enclosed a copy of Colonel Delmé-Radcliffe's Memorandum given above, v. *supra*, pp. 415-30, No. 335, *encl.* 2.]

The neutrality of Switzerland has been accepted in Europe as a fact ever since the Acts of the Congresses of Vienna and Paris, of March 20, and November 20, 1815, in both of which Congresses the perpetual neutrality and inviolability of Swiss territory were guaranteed by the signatory Powers. This neutrality has been scrupulously respected up to the present time by all the parties concerned, and I am of opinion that in the event of a European war the Swiss Government would continue to maintain this position unless their territory were violated. They would at once side against the country or countries committing this violation of territory, remaining neutral until such an act had taken place.

It is certain that defensive preparations in Switzerland are made rather against France and Italy than against Germany and Austria. The reason, however, is a simple one. A small State fears violation of territory rather from the weaker of two foreign countries than from the stronger. The weaker is more likely to be forced, in the conduct of warlike operations, to an act of violation of territory, than is the stronger: hence the powerful defensive works in the Val de Travers and other Jura passes.

The Swiss have been filled with a wholesome awe and dread of, as well as respect for, Germany as the result of the Franco-German and previous wars and they no more doubt, than does Great Britain, what the result of another such contest would be. In the course of it might not France find herself obliged to violate Swiss neutrality? This is a burning question in Switzerland and on the answer to this her present military attitude is, in my opinion, based.

Swiss military arrangements are such as to permit of her effectively employing her forces in defensive operations against Italy and France because these countries are, in her opinion, more likely to violate her territory than any others but this is far from implying that they will be employed offensively against those Powers in time of war. I believe that both France and Germany have endeavoured to satisfy Switzerland that they will respect Swiss territory: for choice however, the latter prefer to trust the stronger Power.

It cannot be gainsaid that German influence is paramount, in many ways, in this country and, it appears to me, naturally so, in view both of the fact that nearly three-quarters of the inhabitants are of Teutonic extraction and that German ideas and language are predominant: but we must recollect that this is no new factor in the case; it has always been so, and yet the Swiss have clung tenaciously to their independence, and to their 'patois.' Their patriotism is, I believe, as fixed and strong as it ever was and they have no wish whatever to become an appanage of a stronger Power. So far does this feeling prevail that many of the Swiss despise Austria for so quietly accepting her present position in Europe although they perhaps judge her unjustly from not being acquainted with the many internal difficulties she has to face.

I do not want to minimise the effect of the gradual increase of German influence in this country, which has been for many years past brought to the notice of His Majesty's Government by His Majesty's Legation and the Consul-General in Zurich, but we must weigh in the balance against this the three important French-speaking Cantons of Geneva, Vaud and Neuchâtel.

Here we have some 5,500,000 [*sic*] inhabitants, about one-sixth of the entire population of Switzerland including the town of Geneva with her population of 123,000, speaking the French language, and imbued with French customs and French methods of thought. Many thousands of these dislike Germany and all her doings. I have been thrown a good deal with some of the leading citizens of Geneva and they are aroused to indignation at any idea of a nearer 'rapprochement' with Germany.

The leading deputy of Geneva said to me of Germany etc. "C'est une sale nation parlant une langue horrible."

One of the deputies from Fribourg remarked that there was too much German spoken in the Chamber but that he did not think Swiss patriotism had in any way diminished.

Monsieur de Naville, the brother of the well-known Egyptian explorer, has

discussed on several occasions with me the question of Swiss neutrality. This country contains perhaps no one whose opinion is less bias[s]ed and more valuable than this gentleman's. Monsieur de Naville has a house both in Zürich and Geneva: his wife is German-speaking from Zürich and his sons have all finished their education in Germany. He told me that he believed the rising generation were as full of love of their country and patriotism as he was and they would never consent to see Switzerland enter the German Zollverein, or in any way barter her independence as long as they could prevent it.

We must also consider the many hundreds of thousands of Swiss residents in the distant valleys. They live still to-day largely isolated. They speak their own 'patois,' in some cases a French, in others a German one, they are most thoroughly imbued with a spirit of patriotism, and rugged Republicanism. They are full of zeal for the Confederation and love of their Cantonal Government, they would die to a man rather than lose their independence and as long as such an element exists in Switzerland we need not fear that she will join with any other country unless, I again repeat, her territory is violated.

I will not dwell here on the methods by which Germany has increased and France has neglected her interests as these have been fully reported by me in previous despatches in the course of last year.

It is unfortunate that France neglects her opportunities, whilst Germany takes every legitimate advantage of those that come her way; but we can do nothing to alter this state of affairs.

It should be borne in mind that the immigration of Germans into Zürich and Basel on which much stress is laid by Colonel Delmé-Radcliffe, is largely equalized by the steady French immigration into Geneva Canton, Geneva City, and other French speaking Cantons.

In the Canton of Geneva alone, our Consul informs me, there are 40,000 French citizens and he is of opinion that an equal amount reside in the Cantons of Vaud and Neuchâtel making a total of 80,000 French citizens exclusive of those residing in the Catholic Canton of Soleure, Lucerne, Friburg, etc. The Catholic Cantons maintained very close relations with France up to the time of the French Revolution and in spite of all that has since occurred France is still considered as "une puissance protectrice" in these Catholic centres. As will be noted therefore a large amount of French sympathy exists to-day in this Republic. The mere fact of France being a Republic has also gained her many adherents.

I think that foreign military opinions regarding Switzerland and Swiss neutrality are somewhat bias[s]ed by those who report them being naturally thrown into Swiss military circles, which are pre-eminently imbued with German ideas. They have little chance of being acquainted with Commercial circles and the public at large. Military life is but a brief stage, owing to the shortness of military service in the life of the ordinary Swiss citizen and it does not leave the indelible mark on a man that the longer and more severe military training in Germany does. There is no doubt that the Swiss officer who makes the army his profession becomes largely Germanised through constant intercourse with his German neighbours and close study of German military methods and tactics.

Finally we must observe, and watch events carefully, bearing in mind that the Switzerland of to-day is far from being an unimportant factor in European politics: her intervention might even, at a critical time, be decisive in the event of a Central European war.

Switzerland is being wooed: she is a useful handmaid, with a strong military force behind her—an unusual attribute in a handmaid—but she is not yet won.

We can only hope that she will continue to maintain Elizabethan traditions for many years to come and from her past conduct we are entitled to believe it.

I have, &c.

H. O. BAX-IRONSIDE.

Mr. Bax-Ironside to Sir Edward Grey.

F.O. 371/990.

13513/13513/10/43.

(No. 18.) Confidential.

Sir,

Berne, April 16, 1910.

April 20, 1910.

I have the honour to report that it has been decided that President Fallières should pay an official visit to Berne. His Excellency is coming to Savoy this spring, to attend the Fêtes to be held at Chambéry in commemoration of the 50th anniversary of the annexation of Savoy to France.

The French Government gave the Swiss authorities to understand that on this occasion the President of the French Republic would come to Swiss territory. This plan, however, did not exactly meet the views of the Federal Government.

The Swiss President, Monsieur Comtesse, who was recently in Paris on a private visit, called himself on President Fallières, and explained that in view of the wide mutual interests of the two countries it would, in his opinion, be more fitting if the French President would see his way to visit the Swiss capital officially.

Monsieur Fallières expressed his willingness to meet the views of the Federal Government in this matter, and the French Ambassador informs me that, although the date has not yet been quite definitely fixed, the visit will take place about the middle of August.

The action of the Federal Government in this matter is of some interest. In my Despatch No. 44 Confidential of October 25, 1909,⁽¹⁾ I had the honour to report that the German Emperor had expressed a wish to be present at the Swiss manoeuvres. It was intimated to the German Minister, in the politest manner possible, that the visit would not be acceptable. There seems, however, reason to believe that the Emperor is still hankering to pay a visit to Switzerland, and should he now suggest coming officially, it will be difficult to refuse him in face of the visit of the Emperor of Austria to Swiss territory in the course of last year.

Monsieur Comtesse, the present President, who comes from La Sagne, is a man of pronounced French sympathies, and he is said to have exerted his influence with the Council to grant him permission to arrange an official French visit, which would now in any case take precedence of a German visit should the latter become inevitable.

This action shows that the Federal Council, as at present constituted, has not been gained over by German blandishments, and that it continues to hold the scales between the two nations who are working for supremacy in this country.

I have, &c.

(In absence of H.M. Minister),

H. B. BROOKE.

⁽¹⁾ [*v. supra*, pp. 413-4, No. 334.]

Mr. Brooke to Sir Edward Grey.

F.O. 371/990.

24722/24433/10/43.

(No. 32.)

Sir,

Berne, D. July 7, 1910.

R. July 9, 1910.

I have the honour to transmit to you a despatch from Colonel C. Delmé-Radcliffe, Military Attaché to this Legation, respecting a wish expressed by His Majesty the German Emperor to attend the Swiss Manœuvres this year.

Colonel Delmé-Radcliffe states that the Federal Government appear to have given an answer dissuading His Majesty from being present at the Manœuvres, and discusses the reasons why such a visit would seriously embarrass the authorities.

I have, &c.

H. B. BROOKE.

Enclosure in No. 339.

Colonel Delmé-Radcliffe to Mr. Brooke.⁽¹⁾

Sir,

Berne, July 5, 1910.

I have the honour to report, for your information and transmission to the War Office that I have been informed that His Majesty the German Emperor has this year again caused enquiries to be made whether it would not be acceptable for him to attend the Swiss Manœuvres this year.

The Swiss Government appear to have given an answer dissuading His Majesty from giving effect to this desire.

The chief of the Military Department states that such a visit would be a serious embarrassment to the Swiss authorities as they have no protocol upon which to make the arrangements for the reception of so illustrious a visitor. It is also felt that the police arrangements in Switzerland could not be of such a character as to enable the Swiss authorities to take responsibility for the Emperor's safety. It is well known that there are numerous dangerous anarchists in Switzerland and the presence of the Emperor might tempt them to endeavour to commit a crime.

It is felt that in Switzerland the visit of the President of the French Republic is of a different category altogether and would cause much less embarrassment than would the visit of the Emperor of Germany.

The brief visit of the Emperor Francis Joseph of Austria was also not of a character to cause anxiety as His Majesty did not leave the vessel on which he was embarked on the Lake of Constance.

I have, &c.

C. DELMÉ RADCLIFFE, *Colonel,*

Military Attaché.

⁽¹⁾ [The original of this despatch was sent to the War Office. The text given above has been taken from a copy preserved in the Foreign Office Archives.]

No. 340.

Mr. Bax-Ironside to Sir Edward Grey.⁽¹⁾

F.O. 371/990.

28090/28090/10/43.

(No. 40.) Confidential.

Sir,

Berne, July 29, 1910.

I have the honour to report that in the course of a conversation which I have just had with Monsieur Comtesse, the President of the Swiss Confederation, who is at the same time Minister for Foreign Affairs, His Excellency alluded, of his own accord, to the wish of the German Emperor to visit Swiss soil and to attend manœuvres on Swiss territory.

As you are aware, from my previous despatches, His Imperial Majesty has more than once before expressed a wish to visit Switzerland, and his efforts have not been crowned with success.

Monsieur Comtesse went on to say that, in view of the official visit of the President of the French Republic to Berne in August, it was not possible to accede to the Emperor's request and Monsieur de Bülow, the German Minister, who had been

⁽¹⁾ [v. *supra*, p. 414, *Ed. note.*]

instructed directly by His Majesty to make the request, had been informed that much to their regret the Federal Government could not see their way to receiving the Emperor this year. On my remarking that a visit from so exalted a personage this autumn would certainly diminish the importance of Monsieur Fallières' stay, His Excellency agreed, adding at the same time, that the Swiss Manœuvres were to be held in the neighbourhood of Belfort near the French frontier, and it would be far from agreeable to the Federal Government to have the German Emperor and his staff in this neighbourhood.

In reply to an enquiry on my part as to whether the Government did not eventually purpose meeting the wishes of the Emperor, which had now been repeatedly expressed, the President replied that nothing had as yet been decided. Should, however, an invitation be extended to the Emperor, on a later occasion, the Federal Government would arrange for some small manœuvres in the neighbourhood of Schaffhausen. Subsequent to the regret expressed by the Government at not being able to receive the Emperor, the latter forwarded the magnificent silver gilt cup for the Swiss International Rifle Competition as reported by Mr. Brooke in his despatch No. 37 of the 25th instant.⁽²⁾

I hear also from another quarter that the milling question which has arisen between Germany and Switzerland has made no progress, and that the Federal Government are much annoyed that the German Government have withdrawn their consent to submit the matter to arbitration at the Hague or elsewhere.

In view of the statements which are constantly being put before the Foreign Office, from more than one source, that the Swiss Government has been won over by German influence and intrigue and that the Swiss nation has become largely Germanized, I would venture to draw your attention to the above conversation with the President relating to the wish expressed by the German Emperor to visit Switzerland.

As I had the honour to report in the last paragraph of my despatch No. 9 Confidential of February 7,⁽³⁾ Switzerland is being wooed—warmly and strongly wooed by powerful and persistent wooers, but she is not yet won, and I am of opinion that it is not possible to foretell the time when she will barter her independence, or when her fierce patriotism will diminish

I have, &c.

H. O. BAX-IRONSIDE.

⁽²⁾ [Not reproduced.]

⁽³⁾ [*v. supra*, pp. 430–2, No. 337.]

No. 341.

Mr. Brooke to Sir Edward Grey.

F.O. 371/990.

34394/34394/10/43.

(No. 49.) Confidential.

Sir,

I have the honour to transmit to you a despatch from Colonel Delmé-Radcliffe, Military Attaché to this Legation, forwarding a Memorandum on the military-political position of Switzerland.⁽¹⁾

I have, &c.

H. B. BROOKE.

⁽¹⁾ [Colonel Delmé-Radcliffe's covering despatch is not reproduced, as it is purely formal in character.]

Enclosure in No. 341.

Memorandum by Colonel Delmé-Radcliffe.

Memorandum on the Military-Political Position of Switzerland.⁽²⁾

During the last year information has come to my knowledge which gives additional confirmation to the conclusions arrived at in my despatch No. 40 of the 17th November, 1909.⁽³⁾

I referred to the attendance at the Swiss manœuvres in 1908 of Lieutenant-General Sprecher von Bernegg of the Austrian army. I have now learned that this officer was charged with a special mission to make overtures to the Swiss authorities for the conclusion of a military alliance with Austria. It appears, however, that on the Swiss side an actual alliance was considered to be impossible as such a proposal would have to be laid before the Federal Council and could not be concluded without the approval of the people. It would, of course, be impossible to make public so delicate a matter. The pourparlers were limited to five individuals only: the then Minister for Austria in Switzerland, Baron Heidler von Eggeregg, Lieutenant-General Sprecher von Bernegg of the Austrian army, Captain Baron von Berlepsch, Austrian military attaché in Berne on the one side, and Colonel Müller, the chief of the Swiss Military Department, and Colonel Corps-Commandant Sprecher von Bernegg, chief of the General Staff in Switzerland, on the other. . . .⁽⁴⁾

Early in 1908, at the time when the crisis subsequent to the annexation of Bosnia and Herzegovina occurred, the Austrian military authorities obtained the assurance from the Swiss military authorities that Switzerland could and would prevent the crossing of the canton of Graubünden by Italian troops if war broke out. As a result of this assurance, the ten battalions in the Voralberg were reduced to one and a-half, and other troops were shifted from the Austrian right flank to the left. The Swiss chief of the general staff prepared two schemes for the defence of the line leading from the Lake of Como towards the Voralberg, and even communicated them to the Austrian military authorities. Since then the defensive works at Bellinzona and on the Passo di San Jorio have been constructed, and further works, ostensibly for the defence of Swiss territory, are being prepared for, and plans drawn up by the chief of the general staff. A credit of 200,000*l.* has been taken for this purpose. But the map will show that these works are better calculated to cover a concentration to the front of Swiss troops, and to enable its southern end to be seized, than merely to defend Swiss territory. It is in this manner that the Swiss general staff hopes to neutralise the "danger" of the Splügen tunnel.

It is known that the Austrian military attaché, an officer of exceptional ability and skill in ingratiating himself with the Swiss authorities, has been working for some time in the office of the chief of the general staff in Berne, and a map of his has been seen with schemes to resist the assumed Italian line of advance through Graubünden marked upon it with marginal explanatory notes in his own hand and in that of an officer of the Swiss general staff. This map contained further the significant addition of a line representing the "rectification" of the Swiss frontier, by which the latter is shown to reach the Adda at Tirano, to follow the course of that river as far as the Lake of Como, to continue down the western branch of the Lake of Como to Chiasso, to pass from there through Varese to Taverno, to cross the Lago Maggiore, and, ascending the valley of the Foce and Valle d'Anzasco, to rejoin the present Swiss frontier at Monte Rosa.

In view of the much greater rapidity of the Swiss mobilization, when compared with the Italian, it seems likely that Swiss troops could reach and occupy this line

(2) [The original of this memorandum was sent to the War Office. The text given above has been taken from the *Confidential Print*. Two copies were sent to Sir F. Bertie as enclosures in Sir Edward Grey's despatch No. 441 of October 13. One, described as "a slightly abridged version" was to be communicated "in strictest confidence" to the French Government.]

(3) [*v. supra*, pp. 315-40, No. 335.]

(4) [The omitted passages refer to schemes for the opening of the Splügen and Greina tunnels.]

long before the Italian army could intervene in sufficient strength to prevent this operation.

It is known that the Swiss general staff is of opinion that this rectification of the frontier is highly desirable for Switzerland, and that for other reasons this increase of Swiss territory would be very acceptable. It is thought that, as a definite alliance between Austria and Switzerland cannot be easily brought about, for the reasons given above, an understanding between the chiefs of the general staffs of both armies has been come to which, for all practical purposes, will attain the same object. A very minor frontier incident, spontaneous or engineered at the right moment, would give an excuse for the forward movement on the part of the Swiss troops, which would enable them to occupy Italian territory up to the "rectified" frontier and then co-operate with the Austrian forces as might appear desirable. This action would certainly meet with the cordial approval of a least 80 per cent. of the population of Switzerland.

The Italian authorities were not aware that these military "conversations" were in progress until February or March in 1909.

Further consideration of the essential correctness of the above is to be deduced from certain incidents which occurred at the Swiss grand manœuvres of this year, and to which I shall refer further on.

Another Swiss aspiration, of which I had a hint some four years ago in conversation with the present chief of the general staff, then commander of the 8th Division, has been given a more concrete shape by recent allusions in authoritative quarters and by references in the press. The latter appear generally in unexpected quarters and obscure provincial newspapers, and supply indications which the authorities would prefer to see suppressed. They furnish a clue, however, to M. Fallières' marked insistence in his speeches during his tour in Savoy on the loyalty and patriotism of that province. It is stated, and repeated with evident meaning, that, by treaties antecedent to that of 1815, Switzerland, in consequence of the obvious difficulty of defending the narrow strip of territory running down the north side of the Lake of Geneva and terminating at Geneva itself, was accorded the right to send troops into Chablais and Faucigny. It is now claimed that this right was not abrogated by the convention of 1815, and therefore still holds good. It is often hinted that there is great inconvenience to Switzerland from the fact that the southern shore of the Lake of Geneva is French territory, and it is maintained that the "natural" frontier should run from Mont Blanc direct to Geneva down the valley of the Arve.

To turn now to a consideration of the German military activities to the north of Switzerland. The modification of the railway system to the west of Basel discloses the German intention to turn the defences of Belfort by the south. In 1908 Germany constructed a short line from Dammerkirch, on the line between Mülhausen and Belfort, to Pfetterhausen on the Swiss frontier. This line is at present single, has a normal gauge with stations for detraining troops at 3 miles interval, and runs parallel to the French frontier at a distance of 3 miles. In 1908 the German representatives of the St. Gothard Commission proposed, and finally obtained, permission to unite this line with the Swiss railway system at Bonfol. This was ratified in December 1909, and in April 1910 the section of new line was opened.

After the conclusion of this affair it became known that Germany had made a tracing for another line from St. Ludwig, near Basel, viâ Waldighofen to Sept, on the Dammerkirch-Bonfol line. This project was carefully kept secret until the arrangements concerning the other line had been completed, but is now in process of execution. The situation is now thus: the lines from Mülhausen to Belfort, and from St. Ludwig to Bonfol, are joined by two parallel, perpendicular branches, Dammerkirch to Bonfol and Carspach to Pfirt, both parallel—the former at a distance of 3 miles and the latter of 8 miles, to the French frontier. All these lines are being provided with liberal provision for the detraining of troops. It can be easily shown that these lines are not being constructed for commercial purposes or for the development of the country through which they pass. The population is scanty, the villages are small, and the

country poor. The alternative lines from Basel to Belfort, that is *viâ* Mülhausen or *viâ* Sept, are practically of the same length, the difference being about 3 miles. Goods coming from a distance in Germany and Austria pass by Waldshut, Basel, and Belfort for Paris and the north of France, and by Waldshut and Pontarlier for the south of France. The new German military line from St. Ludwig to Sept accompanies the existing line to Mülhausen as far as Blotzheim, so as to be under the protection for as long as possible of the German fort of Istein, near Basel. The line at present is single and of normal gauge. The number of stations is not known.

The strategical meaning of these constructions is clear. They afford a new means of approach to the French frontier from the Lake of Constance by Mairingen, Waldshut, Basel, and Sept, and are meant to turn the defences of Belfort by facilitating the moving of German troops into the space between Belfort and Besançon. To complete the connection it would be necessary to make a link between Sept and Delle, to the north of the Swiss frontier, a distance of about 8 miles in a straight line and across fairly easy country. A more likely solution, however, is that the German troops would be passed through Swiss territory by Benfold and Porrentruy. Should the Swiss wish to prevent this operation, it would be extremely difficult for them to do so, as Basel is entirely at the mercy of Germany. But everything tends to indicate that the Swiss would be far from desiring to hinder a German movement across Swiss territory, and that they would rather facilitate it and act in co-operation with the German army.

In connection with this development is the consideration of the wider question that now presents itself as to the general intentions of German strategy in case of war with France. The great development of the defences of Metz appears to suggest that that fortress and the surrounding area may be held defensively while the German armies on the flanks invade France to the south of Belfort through Swiss territory, and to the north through Belgium.

The course of the grand manœuvres in Switzerland this year gave rise to many interesting reflections. The personnel of the foreign officers who attended them is suggestive and significant. Austria sent her Chief of the General Staff, General Baron Conrad von Hötzendorf, and three officers, making, together with the military attaché, a mission of five officers. General Baron Conrad is a man of exceptional ability as is natural considering the position he holds. He is extremely simple and agreeable in manner, is evidently very popular with all the superior officers of the Swiss army, and is known to be a great favourite of the Archduke Franz Ferdinand of Austria. He was evidently on exceptionally intimate terms with the Swiss Chief of the General Staff, and in the field, at manœuvres, they were constantly in each other's company, and could be seen walking about together discussing matters evidently very engrossing to both. General Count von Schlieffen, the German representative, is a cousin of the former Chief of the General Staff in Berlin, and is at present the Military Governor of Mainz. He was accompanied by one officer of the General Staff from Berlin, by the German military attaché in Berne, and by another officer attached to the legation in Berne, making four officers in all. General Count von Schlieffen was chiefly remarkable for his extreme amiability of manners—he was working very hard for Germany all the time—and by his imposing stature. There were also Lieutenant-General Frugoni, just appointed to command the 9th Army Corps in Rome, with a colonel of the Alpini and the military attaché in Berne, representing Italy; Major-General de Cavallos y Bertrain, with the military attaché and two captains of the General Staff, representing Spain; Major-General Legrand, with the military attaché and one officer of the General Staff, representing France; other single officers represented Belgium, Brazil, Portugal, Russia, and Sweden.

The whole attention of Swiss general staff officers, however, was concentrated upon the German and Austrian representatives. It was quite clear that, though the ordinary courtesies and hospitality were extended to all, the foreign officers, except the Germans and Austrians, were hardly thought worth considering, except as the wearers of strange and unfamiliar uniforms. The British officers received a friendly

reception from such Swiss officers as have a personal liking for Englishmen, but none on account of representing a friendly nation. The deference and consideration shown to the representatives of Germany and Austria was very noticeable all through. Senior Swiss officers were at all times in close attendance upon General Count von Schlieffen and General Baron Conrad. This may be partially ascribed, of course, to the fact that the common language rendered intercourse with these officers easier, but no inclination seemed to exist to show the same attention to the Italian or French generals, with whom conversation would have been equally easy (in French) to the Swiss officers. The megalomania of the German was rather amusingly displayed, though perhaps quite unconsciously, by General Count von Schlieffen. General Baron Conrad is a quieter, simpler, and modest man. General Count von Schlieffen, though inferior in rank to the Austrian Chief of the General Staff, rode on the right hand of the Chief of the Military Department both when going out to and when returning from the review at Biel. He was always the first in returning thanks to deputations or bands or for little civilities received, "spreading himself" in a typical German fashion. . . . (5)

The manœuvres themselves, in a surprisingly open manner, represented nothing less than the operations of the Swiss army, in combination with the German army, advancing against French forces coming from the south-west and west, carrying out precisely the movements which the new German lines to the north of the Swiss frontier are intended to facilitate. In the manœuvre dispositions it is true that the opposing forces were respectively styled Red and Blue. But in the discussions between officers, and in the schemes under consideration before the manœuvres, this convention was not always observed, and the opposing armies were referred to bluntly as German-Swiss and French.

The manœuvres were an important experiment for the Swiss army, as all the arms of the two divisions were mobilised simultaneously and the transport was increased almost to war scale, although, of course, many of the waggons were empty. This was done with the intention of working out the schemes as nearly as possible under war conditions, with a view to obtaining data to show how a large force could be placed and handled in the Jura, and to test the capabilities of the railways. How severe this test was may be realised from the fact that from the single little station at Delemont, immediately on the termination of the manœuvres and commencing the same day, 148 troop trains were dispatched within twenty-four hours, and this without dislocating the ordinary passenger traffic in the least, though the goods traffic was suspended for one day. The passenger traffic at Delemont is heavy, as the express trains to and from Paris pass there at frequent intervals. The only hitch which occurred was due to the breaking of a coupling in an infantry troop train, which was delayed for repairs and scheduled in between others two hours later. Otherwise the whole transport was managed with perfect precision.

Before the manœuvres commenced the Austrian chief of the general staff was in Berne for some days and had frequent and prolonged conversations with the chief of the Swiss general staff. I myself went to see the latter one morning at about 9 o'clock, and was informed that he was busy with General Baron von Conrad. I returned again, as it happened at noon, and on going to the office of the chief of the general staff I met General Baron Conrad, whose acquaintance I had not then made, coming out. I also know that General von Schlieffen had frequent interviews with the Swiss military authorities before the manœuvres commenced. During the manœuvres also Colonel Wille, commanding the 3rd Army Corps, and to whom I referred in my despatch No. 40 of the 17th November, 1909,(6) came to visit Count von Schlieffen. I heard him and other Swiss officers receive most cordial invitations to visit Mainz. and to attend German manœuvres, and they were informed that their presence would be most agreeable to the Emperor. During the manœuvres the Swiss chief of the general staff came over to where the foreign officers were quartered to dine with Baron

(5) [The omitted passages refer to the Swiss attitude to the German and French officers visiting the manœuvres.]

(6) [*v. supra*, pp. 415-30, No. 335, *encl.*]

Conrad. On this occasion and on several others during the manœuvres the two chiefs of the general staffs had prolonged private interviews, and were making use of maps which had no connection with the manœuvre area. They appeared to be on the most intimate terms at all times. Technical discussions as to the training, handling and equipment of the troops took place between the Austrian and Swiss officers and the German and Swiss officers, in such a manner as to indicate a closer association than is usual among officers of different armies. At times the Austrian military attaché took charge of the maps from the Swiss officer with the foreign officers, thus relieving him of the duty of marking the position of the troops for our information.

The possibility of the attendance of the German Emperor was often referred to, and many Swiss officers believed that he would come *incognito* one day in a motor-car, without staying the night, as he had not been given a formal invitation. But this year the Swiss authorities have resisted the temptation to extend the desired invitation, for reasons already reported, and in spite of the fact that Herr von Bülow, the German Minister, informed them that the German police were ready to take charge of all the arrangements for the Emperor's safety while on Swiss soil, and to accept all the responsibility. It remains to be seen if next year the resistance will not break down. It is significant that the remark is often heard that now that M. Fallières has been to Switzerland there can be no reason why the German Emperor should not come. When it does take place, the visit will be warmly welcomed by the bulk of the population of Switzerland.

The general impression resulting from all the considerations is that the Swiss, in everything but name, are the allies of the Austrians and Germans, though the representatives of the latter at the manœuvres assumed a somewhat patronising and possessive air, which those of the former did not. From time to time one hears vague references to a "militärisches Ubereinkommen" with Germany, which show that the idea is far from being a strange one even to the average regimental officer in Switzerland. The Swiss have at all times been prone, as individuals, and by companies, to hire out their swords to the highest bidder. As a nation it seems that they may act in obedience to the inherited instincts of the individual. They are convinced, the whole German-speaking part of Switzerland to a man, that Germany and Austria will be the winners in the coming European conflict. They intend to be on the winning side, but, as they have spent much money and trouble on their military organisation, and, as they never do anything without attempting to secure some profit, so they hope to obtain the rectification of their frontiers, as referred to above, in return for such services as they may render to Germany and Austria—Chablais and Faucigny as a "gift" from Germany, the area down to Lake Como and Maggiore for their services to Austria. That in doing so they will be striking at the despised Latin races and assisting to spread the gospel of "Deutschtum" will be an additional source of satisfaction to the Swiss. In the meantime, they will preserve as much as possible the appearance of disinterested independence and aloofness from the clash of international interests.

MINUTES.

This is a despatch of unusual interest.

The evidence now brought forward by Colonel Delmé-Radcliffe points forcibly to the correctness of his view as to the general direction of Swiss policy. In the light of the facts here stated it is difficult to resist the conclusion that a powerful party in Switzerland is indeed preparing to abandon the old policy of strict neutrality, and to join openly the forces of Germany and Austria. Should this new policy mature, it would have the most important effect on the position of Italy within the triple alliance. Indeed it is quite conceivable that in such an event Switzerland might take Italy's place in that alliance.

I think we should do well to invite the opinion of the Chief of the General Staff on the situation disclosed in the present despatch, of which a copy should also go to the Committee of Imperial Defence.

E. A. C.

Sept[ember] 23.

Have we any indication that the French Government share these views and are prepared to meet the new situation?(?)

(?) [Marginal comment by Mr. Eyre Crowe: "No. We have never discussed the matter with France. E.A.C., Sept. 24."]

There can hardly be a doubt as to the correctness of Col[onel] Delmé-Radcliffe's diagnosis and its significance is profound.

Act as proposed.

L. M.

All this information is very significant, and gives the impression that preparations are being carefully made for a conflict in the near future, and that when that conflict takes place Italy will no longer be a member of the Triple Alliance. This assumption indicates that the conflict will happen after 1912 when the Triple Alliance expires. There has been some doubt as to the date of the expiration of the Alliance, but as M. Prinetti has declared that he signed it in 1902 renewing it for 10 years, we may assume that this is correct. The reported desire of Austria to conclude an alliance with Switzerland is, I think, very probable, as it would serve as an insurance against Italy and would simply paralyse Italy in the event of her wishing to act on the Austrian frontier, in the same manner as Bulgaria will be paralysed by Roumania in the event of her wishing to act against Turkey. It is significant that the Austrian Minister at Berne is Baron von Gagern, whom I have known till now as Count Aehrenthal's private Secretary and most trusted adviser. All of this military and diplomatic activity combined with the feverish building of German Dreadnoughts provides food for serious reflection and should encourage us to spare no effort to have our fleet in an absolutely preponderating position by 1913, when the crucial moment may come or even a little later. We and the French should at the same time facilitate no loans to Powers who show any inclination to be absorbed into the orbit of the Central Powers of Europe. Herr Kiderlen's proposals to us for an agreement for a short term of years, during which time we were not to join any combination against Germany, is another indication of the imminence of the conflict which Germany and Austria are steadily preparing.

H.

I think we might communicate to the French Gov[ernment] most confidentially Col[onel] D. Radcliffe's report and ask if they have any confirmation.

[H.]

E. G.

This is another indication that Austrian policy—military, naval, and diplomatic—has in view the withdrawal of Italy from the Triplice—and the resulting situation.

H. H. A.

No. 342.

Mr. Bar-Ironside to Sir Edward Grey.⁽¹⁾

F.O. 371/990.

39176/28090/10/43.

(No. 61.) Very Confidential.

Sir,

Berne, D. October 22, 1910.

R. October 28, 1910.

With reference to my despatch No. 40 Confidential of July 29th last.⁽²⁾ I have the honour to report that in the course of a conversation which I had recently with Monsieur Comtesse, the President of the Swiss Confederation, who is at the same time Minister for Foreign Affairs, His Excellency, in touching upon the subject of President Fallière's visit to Berne, and alluding to the success of the same, referred to the question of the visit of the German Emperor.

Monsieur Comtesse stated that they had given Monsieur de Bülow to understand that they would welcome a visit from His Imperial Majesty in the course of next year. That arrangements would be made to hold manœuvres on a modest scale in the neighbourhood of Bülach, a large village lying between Schaffhausen and Zürich; that the Emperor would be lodged probably at Schaffhausen, and would be asked to pay a visit to Zürich. This visit may be viewed as a counterpoise to that of the French President.

In adding that no definite arrangements had as yet been made, His Excellency requested me to consider his remarks as very confidential, as the knowledge of the invitation was at present entirely confined to the members of the Federal Council and Monsieur de Bülow.

I have, &c.

H. O. BAX-IRONSIDE.

⁽¹⁾ [v. *supra*, p. 414, *Ed. notc.*]

⁽²⁾ [v. *supra*, pp. 434-5, No. 340.]

No. 343.

Mr. Dering to Sir Edward Grey.

F.O. 4675/1464/11/43.

(No. 11.) Confidential.

Sir,

Berne, D. February 6, 1911.

R. February 8, 1911.

The French Councillor of Embassy alluded, in private conversation with me the other day, to Colonel Delmé-Radcliffe's report on the military-political position of Switzerland,⁽¹⁾ which I observe from your No. 24 secret of the 7th of December⁽²⁾ last was communicated in strict confidence to the President of the French Republic for the information of the Minister of War. I gather therefore that the French Embassy here are familiar with its contents.

I made no remark and let Monsieur de Valdrome talk, which he does with extreme volubility. He was aware, he said, that the Italian Military Attaché shared the views expressed by Colonel Delmé-Radcliffe in regard to the alleged proposal for an Austro-Swiss convention. His personal opinion was that, while it was quite probable that the Austrian Chief of the General Staff had discussed with his Swiss cousin the, to Austria, highly important question of Switzerland's defences on the Italian frontier, matters would not have gone much beyond that point. The relations between Austria and Italy were never of the best, and the possibility of an outbreak of hostilities at any time obviously kept Austria alive to the necessity of guarding against attack.

He thought that the fear of the violation of Swiss territory with a view to passage into Austria and to the driving of a wedge into the Austrian lines on the Swiss frontier was what had led to an enquiry from the Austrian General, meant to serve as a warning, as to the state of the Swiss defences on the Italian frontier. Doubtless, said M. de Valdrome, such an enquiry would serve the interests of Austria, but he did not personally believe that the Federal Council had had any proposal of any kind laid before them dealing with the Swiss defences on the Italian frontier as a result of the meeting of the Austrian and Swiss Chiefs of Staff.

I have, &c.

HERBERT G. DERING.

⁽¹⁾ [*v. supra*, pp. 436-40, No. 341, *encl.*]⁽²⁾ [Not reproduced, as the contents are sufficiently indicated above. Sir F. Bertie was instructed to make this communication to the French Government in Sir Edward Grey's despatch, No. 441 of October 13, 1910. (F.O. 371/990. 34394/34394/10/43.)]

No. 344.

Sir R. Rodd to Sir Edward Grey.

F.O. 8766/1464/11/43.

(No. 34.) Confidential.

Sir,

Rome, D. February 24, 1911.

R. March 10, 1911.

I have the honour to transmit herewith a despatch, as marked in the margin,⁽¹⁾ which has been addressed by the military attaché to His Majesty's Minister at Berne, on the subject of the military-political position of Switzerland in relation to Italy and Austria-Hungary, which concludes with certain observations on Railway developments to the North of Switzerland. Both the former and the latter portions of this despatch are in my opinion of particular interest and I therefore beg to draw special attention to its contents.

Colonel Delmé Radcliffe tells me that he has been unable to send a copy of the despatch direct to Mr. Howard but that during a recent visit to Berne he informed the latter verbally of its substance.

I have, &c.

RENNELL RODD.

⁽¹⁾ [Col: Delme Radcliffe, 21 February 1911.]

Enclosure in No. 344.

Colonel Delmé-Radcliffe to Mr. Howard.⁽²⁾

(No. 7.) Confidential.

Sir,

Rome, February 21, 1911.

I have the honour to forward the following further information and observations in continuation of my former despatches on the military-political position of Switzerland.

I have recently learnt that the Swiss Chief of the General Staff went to Vienna in the summer of 1910 and that two senior officers of the Austrian General Staff came to Berne earlier in the year and paid prolonged visits to the General Staff section at the military department.

In the summer of 1910 the Swiss Chief of the General Staff himself directed a staff ride of officers of the General Staff to Bellinzona and beyond, as far as the Italian frontier. The object of this staff ride was to make a careful reconnaissance of the area between the Lake of Como and the Lago Maggiore, both on Swiss and Italian territory. Having reached the frontier, the officers changed from uniform into plain clothes, but the staff ride was continued as was originally planned, and all the officers of the party rode by various roads to Milan, whence they returned to their stations. An attempt was made to keep this episode a secret, but unsuccessfully.

After the conclusion of the manœuvres of 1910 a conference was held between the chief of the Austrian General Staff with his officers and some Swiss General Staff officers. At this conference, maps of Northern Italy, the Grisons, and Eastern Austria were used.

The Austrian Chief of the General Staff took official leave of the Swiss Chief of the General Staff on the field at Délémont on the 8th September, as all the foreign representatives were officially requested to do. The Austrian Chief of the General Staff, however, returned to Berne, and during the next few days paid repeated visits to the General Staff section at the military department.

This January the Swiss Chief of the General Staff had a confidential General Staff conference in Berne, during which he gave a lecture on the strategical position of Switzerland. He laid great stress upon the defensive deficiencies of the Swiss frontier, and pointed out the great danger to Switzerland of the Splügen and Maloya Passes through which an enemy could easily penetrate into Switzerland by the Rhine Valley and reach the Austrian left flank by the Val Bregaglia and the valley of the Inn. He insisted that it was essential for Switzerland to seize Chiavenna, as whoever was in possession of this place commanded the routes northward and north-eastwards by the Rhine Valley and the Engadine. He explained that for this reason Switzerland had placed her concentration centre as far forward as Bellinzona which was being and would be still further fortified. From Bellinzona it would be possible to descend into the San Giacomo Valley by the Coldi Jorio, which was itself being fortified, by the Splügen and the Forcola Passes, to seize Chiavenna and the territory lying between the Swiss frontier and the Adda as far as Tirano. The lecturer pointed out that Chur could not be defended at Chur itself, that the Chur arsenal will be dismantled for this reason, and that the Lützensteig fortifications near Maienfeld (which were constructed or renewed in 1882 for closing the Rhine Valley) had been abandoned as a defence.

It is a fact that they are now of no military value whatever, and are kept up only as a convenience and store for the musketry school of Wallenstadt. By the expenditure of a not very large sum of money this work might be brought up to date, but while this expenditure is omitted large sums are being employed for the defence works on the Italian frontier,

The strategical value of this concentration at Bellinzona was further emphasised by showing that the concentration there of troops would in any case force Italy to maintain a corresponding corps of observation in the neighbourhood, and would, to this

⁽²⁾ [The original of this despatch cannot be traced. The text given above has been taken from the *Confidential Print*.]

extent, weaken the Italian forces elsewhere. But the rapidity of the Swiss mobilisation, the strategical disposition of the divisions to be formed under the new organisation scheme, and the disposal of the arsenals and army magazines would enable the Swiss forces to anticipate any movement of the Italian troops as far as Milan, and permit the Swiss commander to take any offensive—defensive—action which circumstances might render advisable.

I have lately had conversations with his Excellency General Pollio, Chief of the General Staff of the Italian army. His Excellency, who has a very friendly feeling towards England and the British army, has often spoken to me with a considerable frankness on the subject of the military problems which Italy may one day be called upon to solve.

The day before yesterday, after lunch at my house, the conversation gradually passed from the subject of the Italian military attaché in Vienna to the relations between Switzerland and Austria on the one hand and Italy on the other. His Excellency said that he himself and the other Italian authorities had been gradually forced to see that a very serious view indeed must be taken of the relations existing—for all practical purposes, though nothing in writing might have passed—between Switzerland and the German group of Powers. He said that the strategical position of Switzerland was of immense importance, and that the Swiss army had reached a very high degree of efficiency. These two matters attracted little general attention so long as the world at large was convinced of the sincere intention of Switzerland to maintain her neutrality and of the limitrophe Powers to respect that neutrality. His Excellency, who was formerly military attaché at Vienna, said that he had habitually looked upon it as a fundamental axiom that Switzerland had no desire but to maintain her neutrality, which would be equally scrupulously respected by all the other Powers. But he went on to say that all the evidence which had accumulated in the last three years, and especially since he himself had been appointed Chief of the General Staff, had forced him most reluctantly, but by the irresistible logic of facts, to the conclusion that an entirely different situation must now be faced.

His Excellency said that statesmen in Italy had the greatest difficulty in realising the changed situation, as it was not easy to find a sufficient and logical motive for the changed attitude of Switzerland. It must be due, no doubt, to the pressure and courting of the German group of Powers, and to the germanification in every direction of human activity of Switzerland. This had reached a degree which was almost inconceivable to those who had not closely followed the inner development of the Swiss people since the Franco-German War. His Excellency pointed out that German influences and the German language were even overwhelming the Italian population in the Trentino and over the frontier by the Lake of Garda and all along the northern limits of Italy. His Excellency said he supposed also that a form of atavism was influencing the Swiss people, which, inspired by German ideals, trained on German military principles, desired to take their place among the fighting nations, and to profit to the utmost by the excellence of their military preparations. They were a people which have always had a keen eye for the main chance, and it was inevitable, perhaps, that they should be led to side with those Powers which, to them, appeared to have prepared best for war. His Excellency displayed some feeling when he said that it was infamous that Switzerland should show such hostility towards Italy, a country which had the clearest possible conscience as regards respecting the neutrality of Switzerland. "For that matter we desire nothing but peace. Italy is the most pacific country on the face of the globe, and I give you my word of honour that no responsible statesmen in Italy wishes to annex 'ne anche un palmo' (not even a hand's breadth) of Swiss or Austrian territory. The attitude of Austria and Switzerland is purely and gratuitously aggressive, but we are forced to take things as we find them. I have already taken some measures with a view to ensuring the protection of our soil, but I must still do much more, especially in the sense of improving railway facilities. We see all over Europe now how war is being prepared for by the development of railways." His Excellency said "I do not mind mentioning these things to you. I trust you, and

feel that you are a friend of ours, as indeed England has always been a good friend to Italy. These matters must be considered coolly and without passion. I have a great respect for the Swiss people, their army is one to be very much admired, their Chief of the General Staff is a man of exceptional capacity and of the very highest personal character and patriotism. But the line that Switzerland is now taking with regard to us we feel to be most mistaken. Whatever it is, however, it is our duty to prepare for all eventualities."

I report the sense of the above conversation rather fully, as it is interesting to see that the Italian authorities are, as was to be expected, quite alive to recent tendencies in Switzerland, and also for the evidence it contains of the friendly disposition in Italy towards England and confidence in England's friendship for Italy.

To turn now to the subject of the development of the railways to the north of Switzerland. I referred in my despatch No. 121 of the 14th September, 1910,⁽³⁾ to the development of the railways in the area between Bâle, Mülhausen, Belfort, and Porrentruy. I now add the following particulars: The line Dammerskirch to Bonfol has stations at Altenach, Maxen, Friesen, Niedersept, and Pfetterhausen, respectively 3, 2, 4, 4, and 5 kilom. apart. The line is single, but portions of the permanent way have already been widened to receive the second line. The road bridges over the line are constructed of sufficient width of arch to permit the double line to be laid underneath. The smaller stations have not yet been supplied with extensive detraining facilities, and have, so far, only one siding each. At Niedersept, however, there are three sidings already, with a total length of 2,750 yards of rail. Other works of enlargement here and at the other stations have been temporarily suspended on account of the winter weather. This line shortens the distance from Mülhausen viâ Porrentruy to Delle by 40 kilom. in comparison with the line viâ Bâle and Porrentruy.

The line from St. Ludwig to Niedersept is under construction for the first section from St. Ludwig to Waldighofen. This section passes by Blotzheim, Heinsdorf, Niedermichelbach, Obermichelbach, Volkenberg, Müsbach, Steinsulz, and joins the Altkirch-Pfirt line at Waldighofen. The line has been laid out, but the works are at present suspended on account of the snow. As soon as the weather permits, the work is to be resumed so as to allow the whole line to be opened for traffic in 1912. The survey for the prolongation from Waldighofen to Niedersept has not yet been finished, but it is to be concluded this spring.

A further line running from Bâle parallel to the Mülhausen-Belfort and St. Ludwig-Niedersept lines is the narrow-gauge [*sic*] (1 metre) French-Swiss-German railway running from Bâle viâ Pfirt, Bonfol, and Rechésy to Belfort. Although the capacity of this line is limited, it must not be left entirely out of sight. The section Bâle, Oberwil, Flüh Leimen, Rödgersdorf (called the Birsigtal Railway), has been completed and is already being used. The length of this section is 16·2 kilom. The section from Oberrödgersdorf, Birsigtal, Welschweiler, Niederrödgersdorf, Oltingen, Fislis, Buchsweiler (where the line joins the Altkirch-Pfirt line) Alt-Pfirt, Küstlach, Mörnach, Dürlingsdorf, Liebsdorf, Oitendorf, Courtavon, Beugnevésin, Rechésy, has been commenced, but the laying of the line has been temporarily suspended on account of the bad weather. The length of this section is 37·30 kilom., and it is to be completed during 1912. In connection with its construction it may be mentioned that, *à propos* of the joining up of the Swiss and German sections, it was thought necessary to send two officers of the German General Staff from Berlin in the late autumn of last year to discuss matters with the Swiss authorities on the spot.

The section Rechésy, Courtelevant, Lepuix, Suarce, Villescot, Eschène, Perouse) and Belfort is 28 kilom. in length, and is to be completed in 1912, unless the French Government decides to stop it. It appears that the sanction for its construction was given by France in order to please the Alsatians, before the other portions of the same line had been projected. It is supposed to be a difficult matter to withdraw this sanction now, especially as its construction was approved by the Swiss and German General Staff so far as the territory of these two countries was concerned.

(³) [*v. supra*, pp. 436-40, No. 341, *et c.* The covering letter is not reproduced.]

The total length of the line from Bâle to Belfort is 81·50 kilom., and the traction will be electric.

It thus appears that in 1912 there will be three lines from Bâle and Mülhausen towards Belfort, connected by the transverse lines Dammerskirch–Bonfol and Altkirch–Pfirt.

The importance of these lines is to be increased by considerably improving the carrying capacity of the main line from Bâle to Mülhausen and towards Belfort; also by the provision of extensive quays on the Rhine, near St. Ludwig, irrespective of the construction of the new enormous station on the right bank of the Rhine at Bâle.

This project is in process of realisation, for the work has been commenced, and has made considerable progress already. A total sum of between 60,000,000 and 70,000,000 fr. is being spent by the German railway authorities on this station, and 20,000,000 fr. by the Swiss Bâle Railway Administration. The station, which will be 5 kilom. long, will be for 2½ kilom. of its length on German soil, and for the remainder on Swiss soil.

The explanation given in the German papers for works of such immense scope being undertaken at Bâle, is that it was necessary to provide for the requirements of the next fifty years.

The station will, of course, have great commercial value, but the chief importance of it lies in the fact that it is destined to form, with the enormous military establishments projected at Lörrach, the centre of concentration and supply for the left wing of the German army in a campaign against France. Lörrach and the new station at Bâle will be, in the south, what Dalheim and Malmédy are in the north.

There is reason to believe that all these constructions are being carried out in consequence of some understanding between the Swiss and German General Staffs. The officer in charge of the railway section of the Swiss General Staff, accompanied by an assistant, went to Berlin this January to discuss railway questions.

At its latest railway conference, the German Great General Staff is reported to have decided on the construction of the following sections of railway on strategical grounds.—

1. A new line from Donaueschingen to Titisee, to straighten and improve the strategic line from Stuttgart to Strasburg by replacing the present Donaueschingen–Titisee line, which is very winding, and of a limited capacity, by a modern construction.
2. A new line from Titisee to Todtnau to create direct communication between Bâle and Stuttgart.
3. The section from Zell to Todtnau is to be improved and the line doubled.
4. A new line from Schöpfungheim or Steinen (6 kilom. from Schöpfungheim) or, more likely still, from both places to Kanderen, and from thence to Mülheim making use of a small line already existing between Badenweiler and Mülheim, which is to be doubled.
5. A new line from Donaueschingen to Schaffhausen.
6. A new line from Titisee to Waldshut viâ St. Blasien.
7. A new electric narrow-gauge [*sic*] line between Schöpfungheim and Todmoos was decided upon at a meeting of the inhabitants of the district of Gersbach and the expenditure guaranteed. It is stated that this line will probably be continued to St. Blasien and its carrying capacity eventually increased.

It is reported that the construction of all these railways is to be taken in hand at once and completed with the greatest possible rapidity.

This development of the railways in southern Germany is in the highest degree significant, and apart from the importance of the great military centre and station to be created on the right bank of the Rhine at Lörrach and Bâle, the connections at Waldshut and Schaffhausen with the Swiss railway system are a matter which merits close attention, as these connections facilitate the combination of the whole Swiss railway system for strategical purposes with that of Germany.

The great station at Bâle was decided upon by agreement between the grand council of Bâle and the railway direction of the Duchy of Baden. I enclose a copy of the text of the "Rathsschlag," together with plans, referring to the passenger station only, from which its ambitious character will at once become apparent.⁽⁴⁾ Hitherto German railway facilities on the right banks of the Rhine near Bâle have been somewhat meagre as there was only the line from Stetten along the Swiss frontier to Leopoldshöhe. This small section of line, in view of the development of the railways towards Belfort, became of great importance and was considered to be unsafe by the German General Staff as it passes the Dillingen heights by a tunnel. Consequently it was proposed to erect some very powerful defence works on the Dillingen heights, but the Swiss inhabitants of Bâle protested against their town being commanded by powerful artillery at short range in this fashion. Subsequent negotiations resulted in a compromise by which the town of Bâle agreed to the construction of the new station partly on Swiss and partly on German territory. Owing to the nature of the ground on the right bank of the Rhine and to the great number of roads and communications leading out from Bâle, a large *terre-plein* had to be filled up and raised by *remblai*, from 12 to 20 feet, and on this artificial surface the new station is being constructed. At the same time a large number of bridges in armoured concrete are now being erected over the roads to carry the numerous railway lines projected.

These developments on the northern Swiss frontier are a continuation of the great railway policy which the German Empire has been conducting for some time past. The German Great General Staff, which calculates on being able to place 1,500,000 men in action within the first ten days of mobilisation, hopes to overwhelm its enemy by a strategical envelopment which will enable it to turn the formidable barrier of the French positions at Verdun, Toul, Epinal, and Belfort. Counting on the weakness of Belgium and on the unarmed neutrality of Luxemburg, Germany had designed to turn these defences by her right wing through Luxemburg and Southern Belgium. The railway constructions on the Belgian and Luxemburg frontiers leaves no doubt as to these intentions. The railways in Alsace have been continually improved by the addition of new and by the doubling of the existing lines in Luxemburg, which are managed by the direction of the Alsatian railways. From 1907 onwards, between Aix-la-Chapelle and Lommersweiler, along the Belgian frontier, the doubling of the lines and the provision of very ample entraining and detraining facilities have been carried out, not only at the small station, but even on the open lines. These constructions have no economical justification whatever as the districts are poor and without industries. Thus Germany has placed herself in a position to concentrate on the front Dalheim–Aix-la-Chapelle–Malmédy–Trèves from five to six army corps.

Latterly, however, the political-military conditions have somewhat changed. Belgium shows more disposition to enforce respect for her neutrality and has commenced to work seriously for the reorganisation and improvement of her army and defensive system. She feels, no doubt, that she, alone, would be unable to resist the passage of French or German troops, and so she counts on the intervention of the signatory powers of the Treaty of London of the 16th [*sic*: 15th] November, 1831. For obvious reasons the intervention of Austria, Germany, France, and Russia cannot be taken into consideration. England alone therefore remains. The excitement in Belgium, caused by the Dutch project of fortifying Flushing, which would prevent the British fleet from reaching Antwerp, show the nature of the hopes which Belgium placed on the intervention of England. These hopes may be considered not unfounded, when it is remembered how much interest England would have in preventing Antwerp, "ce pistolet chargé, braque sur le cœur de l'Angleterre," from falling into the hands of Germany.

Not much possibility exists of combined action between Holland and Belgium. It appears to be thought in Holland that that country, on the basis of the treaty of the 18th [*sic*: 19th] April, 1839, can and should oppose the operations for the protection

(4) [Not reproduced.]

of Belgium. On the other hand, Holland may not be disposed to act in combination with Germany. In the country generally the project for the coast defences met with considerable opposition, which was largely owing to the mere suspicion that the coast defences were desired by Germany. Possibly, therefore, Holland may be genuinely desirous of remaining outside the theatre of a conflict which might compromise her existence, though she may have been induced by German astuteness to take action which would eventually be for the benefit of Germany.

The conditions are different in Switzerland. It is now known to those who have studied the question how little reliance can be placed upon the maintenance of a neutrality which that country certainly intends to discard if she considers it would be for her benefit to do so. It is no longer a secret that Switzerland, in the case of a European conflict, will side with the German group of Powers. In doing so she will doubtless act with that good faith and loyalty towards them which her soldiers have always shown towards their other employers.

The general trend of circumstances may have convinced Germany that a movement towards the north through Belgium may meet serious opposition and be delayed, while the length of front upon which her forces may be deployed will be restricted. As her forces are continually augmented numerically, and as it is of the first importance to her to deliver a crushing blow on France before turning to deal with her eastern enemy, it is logical to assume that she has been more and more constrained to the desire to effect an envelopment by both wings of her army simultaneously. The railway preparation made in Alsace and Baden, together with the scheme for the great concentration centre at Lörrach, correspond with the carrying out of a strategical plan in which the whole territory of Switzerland would be considered, in a military sense, as being practically German. Were these railway constructions limited to the railways on the left bank of the Rhine, in the area between Belfort, Mulhâusen, Bâle, and Porrentruy, there might be some colour in the assumption that the utilisation of Swiss territory does not of necessity enter into the calculations of the German Great General Staff. As a matter of fact, it would be possible to run a short length of railway connecting Pfetterhausen and Delle over extremely easy country, and thus at once complete the second line towards Belfort without infringing on Swiss territory at any point. The operation, which would be indicated by a plan of this description, would probably be limited in the first case to an advance against Belfort only. The construction of the great station at Bâle, of the concentration centre at Lörrach, and of the links completing the strategical connections between the centre of Germany and the Swiss railway system, and joining at Bâle, Waldshut, and Schaffhausen, render the conception of a far greater strategical plan at any rate possible.

At the first glance the suggestion that German troops might be poured through Switzerland to turn the French right wing by Porrentruy, by La Chaux de Fonds, by the Val de Travers, by Vallorbes, or by Geneva, would look like a proposal to carry out a perilous flank march in the presence of an enemy. The question assumes another aspect if the acquiescence of Switzerland and the co-operation of the whole Swiss army is assumed. How valuable it would be considered by the German General Staff to have another 175 kilom. of frontier upon which to deploy the German armies, it is not difficult to imagine. Given the present disposition of Switzerland, I believe that Germany, if she plays her cards with any reasonable degree of skill, may hope to put some such plan into effect, even if a secret understanding has not already been made between Switzerland and Germany. In any case, the railway and other military preparations now being made by Germany point directly to the fact that she intends anyhow to be ready to take full advantage of any opportunity of this kind that may present itself to her.

In this connection it may not be out of place to record the fact that, just for the moment and superficially, there is a little ill-humour with Germany to be observed in Switzerland. This may be due to irritation arising in connection with the negotiations over the St. Gothard convention. It is shown also in the annoyance expressed at small incidents, such as the appearance at a ball recently given by Herr von Bülow,

the German Minister in Berne, of fourteen officers in uniform from Mülhausen. The appearance in uniform was due to a request of the Minister which was transmitted to the Emperor, who warmly approved of it. It was not only the "Franzosen" in Berne who made somewhat caustic remarks on the unnecessary character of this display. A German military band from Mülhausen also appeared in Berne in uniform. This was criticised on the score that it was not understood why this military band should have come to compete with the Bernese "Stadtorchester," which the Bernese citizens paid to maintain.

It would be a mistake to attach too much importance to these temporary manifestations of peevishness. Switzerland is pro-German at heart. Were German tactlessness less liable to offend Swiss susceptibilities, Switzerland would now be well on her way to become one of the Federated States of the German Empire. But it would be too much to count upon German tactlessness for preventing a co-operation which Germany and Switzerland both think will be to the advantage of both.

I have, &c.

C. DELMÉ-RADCLIFFE,
Military Attaché.

No. 345.

Mr. Howard to Sir Edward Grey.

F.O. 16114/1464/11/43.

(No. 26.) Very Confidential.

Sir,

Berne, D. April 13, 1911.

R. May 1, 1911.

I have the honour to inform you that Count d'Aunay the French Ambassador here spoke to me yesterday at some length about the alleged military agreements between Switzerland and Germany and Austria Hungary. He began by asking me if I had read the reports drawn up by Colonel Delmé-Radcliffe on the subject, which were communicated confidentially by His Majesty's Government to the French Government and so passed on to him for observations. Count d'Aunay said that something of these rumours, which were firmly believed in by most of the military attachés here, had evidently reached the ears of Monsieur Ruchet the President of the Confederation. Monsieur Ruchet had recently, when Count d'Aunay went to see him on quite another matter, spoken for nearly an hour and with great animation on the subject. He had hung his discourse on the peg of the article published in an Italian paper "L'Italia All'Estero" to which article reference was made in my Despatch No. 18 of the 22nd Ultimo.⁽¹⁾ President Ruchet declared positively to Count d'Aunay that there was not a particle of truth in any rumour of a military understanding between Switzerland and any of her neighbours, that such a policy would be totally contrary to Swiss traditions, that Switzerland would at once oppose as strong an armed force, as she was capable of putting into the field, to any attempt on the part of one of her great neighbours, no matter which, to violate her neutrality, that to maintain this neutrality was the settled policy of the majority of the Swiss people who would be strongly hostile to any policy of adventure for the purpose of rectifications of frontier or any other, and finally that the Federal Council and the Federal Assembly would never permit any Swiss Generalissimo in time of war to run counter to the clearly declared desires of the people in this respect; for the Federal Council and Assembly remained the masters of the Army and the commander-in-chief in time of war and could change him at their pleasure. To believe the contrary, said the President, hesitating in order to find words strong enough in which to express himself, "serait sot, ce serait nigaud, ce serait stupide."

⁽¹⁾ [Not reproduced.]

This was briefly Count d'Aunay's account of what President Ruchet said to him; He then turned to me and asked me what I thought of it all. I said I had been here too short a time to express any opinion, but looking at the matter quite superficially, it seemed to me unlikely that the Swiss people, who are reckoned a hard-headed common-sense folk, should allow their Government to barter an inestimable advantage, like their neutrality, for a rectification of frontiers, especially when the latter would leave an aftermath of bitterness which generations would not wipe out.

This is, of course, what any military agreement with one or other of the Great Powers would amount to. Count d'Aunay himself while insisting strongly that the views of the military attachés were worthy of the most careful consideration, was of the opinion that the general feeling of the Swiss people would be altogether against any participation in a European war. They were, as the President said, mainly small peasant proprietors who had no wish whatever to be drawn into war. Count d'Aunay considered that the military attachés were persuaded into believing in the existence of some military agreement, owing to their military environment, since it was quite possible that in purely military circles in Switzerland there might be a current in favour of such an active military policy. This might the more easily be the case, because Colonel Sprecher von Berneg, the Chief of the General Staff (whom Colonel Delmé-Radcliffe described in his Report of the 13th December 1910⁽²⁾), was a Bernese "Patrician" who was closely related by blood to an Officer high in the Austrian service, while his patrician inclinations drew him no doubt rather to the side of German Officers and made it natural that he should have cordial relations among them. Count d'Aunay attributed the visit of the high German and Austrian military officers who attended the manoeuvres last year (see Colonel Delmé-Radcliffe's report of February 21st 1911⁽³⁾) entirely to Colonel Sprecher's personal relations with Austrian and German military circles. He did not think that Colonel Sprecher exercised the slightest political influence in his own country but rather the reverse.

The Federal Council, who are radical and bourgeois almost to a man, only placed a man of Colonel Sprecher's political ideas and patrician sentiments at the head of the army because of his universally recognized military talents, but they would take great care that he should never obtain any political authority whatever.

I have, &c.

ESME HOWARD.

(²) [Not reproduced. The report comments upon a Memorandum by the French Chief of the General Staff on military policy in Switzerland (F.O. 371/990. 47057/34394/10/43) which constitutes the French reply to Colonel Delmé-Radcliffe's memorandum of September 1910, printed *supra*, pp. 436-40, No. 341, *encl.*]

(³) [*v. supra*, pp. 443-9, No. 344, *encl.*]

No. 346.

Mr. Howard to Sir Edward Grey.

F.O. 5410/5410/12/43.

(No. 11.)

Sir,

Berne, D. February 3, 1912.

R. February 7, 1912.

The "Bund" of Berne in an article of the 30th Ultimo reproduces an article from a Vienna paper entitled "Information" which the "Bund" writer considers to be inspired by the Austrian Press Bureau.

The considerations published in the Vienna article are supposed to have emanated from "an eminent Austrian Diplomatist."

This personage remarks that even if the Triple Alliance continues or not, it is evident, as Italy considers herself entitled to go her own ways to a certain extent, that Germany and Austria ought to knit up relations with other States in order if necessary to compensate for the possible defection of Italy. States which possess not only great political but also economic importance are Holland, Belgium and Switzerland, and their official neutrality can no longer be looked on as a real *Noli me tangere*. Neutrality is but a survival of a passed epoch, to which no real meaning is to be

attached; it is only a kind of Conventional Defencelessness. It is greatly in the interests of Holland, Belgium and Switzerland, in view of the present stormy state of European politics, to attach themselves to some Group of Powers standing on its own basis. Nothing would therefore be more natural than for them to attach themselves to Germany and Austria, by doing which they would at once be supported by a great military power, and also find their commercial and financial position much benefited. Belgium, Holland and Switzerland stand naturally much nearer to Germany and Austria than to England and would anyhow in case of a European war have to seek refuge under their protection.

The writer then continues to point out the mutual commercial, economic and financial advantages which would ensue to all the partners from such an arrangement, which would free them from Haute Finance of Paris.

The "Bund" commenting on this article says,—

"So for the Austrian Press Bureau. All these efforts will leave us in Switzerland very cold. Truly no individual amongst us seriously thinks of abandoning our neutrality which is moreover firmly established by our Constitution (Articles 85 and 102). This neutrality has for a preliminary condition that we may enter upon no lasting conventions with another State, which has for its object an alliance in time of war. Our historical reminiscences as regards Alliances formed by the Confederation are not such as to encourage us to new efforts along this line. The dreams of the eminent Austrian diplomatist in the "Information" may so far as we are concerned remain dreams for a long time to come. We at any rate have no wish to see them materialize."

The "Bund" is occasionally used by the Federal Government for semi-official communiqués. It seems not unlikely that this very categorical declaration that Switzerland has no intention of entering any Austro-German combination may emanate from the Federal Council and that it was issued in order to cut short any Teutonic aspirations of this kind.

It is amusing to note, as an example of the way in which newspaper correspondents make mischief that the Milanese "Corriere della Sera," of the 2nd February publishes a notice from its Paris correspondent reproducing the Viennese article as having appeared in the "Bund" but without adding the "Bund's" rejection of the idea. The "Corriere" itself comments as follows,—

This article is of interest simply because it is published by a paper which generally interprets the thoughts of the Federal Council.

In a few days no doubt some French or Italian paper will be quoting the Article as proof positive that the Federal Council is on the verge of signing an Alliance Offensive and Defensive, with Austria and Germany.

I have, &c.

ESME HOWARD.

No. 347.

Mr. Howard to Sir Edward Grey.

F.O. 8698/5410/12/43.

(No. 16.)

Sir,

Berne, D. February 24, 1912.

R. February 28, 1912.

I have the honour to report, with reference to my Despatch No. 11 of 3rd Instant,⁽¹⁾ that the Vienna correspondent of the "Journal de Genève" has written a letter published in that paper on the 18th Instant respecting an article which appeared in the Viennese paper "Information." This article I reported had attracted some notice in the Swiss, French and Italian Press. The letter in the "Journal de Genève" would seem to be officially inspired from the Ballplatz and written with the purpose of

⁽¹⁾ [v. immediately preceding document.]

removing the idea that the scheme of an alliance or rapprochement between Austria, Germany, and Switzerland mooted by the "Information" had any connection whatever with the Austrian Government.

According to the correspondent of the "Journal de Genève" the "Information" is almost unknown at Vienna and the article in question passed unnoticed. The fact that the article had attracted attention abroad came therefore as an unpleasant surprise.

It had never entered the head of any statesman in Austria-Hungary—any more than in any other country forming part of the Triple Alliance—to want to trifle with Swiss neutrality. In the first place the Great Central Powers of Europe are very well satisfied with Swiss neutrality; in the second, anyone attempting to alter it would have to reckon with the Swiss people who attach an immense importance to their political independence.

The very cordial welcome given to the Emperor Francis Joseph when he visited Switzerland some time ago caused sincere pleasure in Austria, and Austria also looked upon it as quite natural that a similar welcome should have been accorded to Monsieur Fallières two years ago. The news of the impending official visit of the German Emperor to Switzerland also created an excellent impression in Austria. These visits are proofs of the high esteem in which Switzerland is held by her neighbours, and can but have the effect of maintaining a certain equilibrium in the relations of the Confederation with those neighbours. To try to interpret them otherwise would be to get on to a wrong track. Evidently, concludes the writer, it is to the interest of each State contiguous to Switzerland to develop its business relations with the Confederation but this does not mean that there is the slightest intention of striking a blow at Swiss neutrality.

We may probably believe that this article now represents the state of mind of the rulers of the contiguous States whatever may have been their ideas some time ago as regards drawing Switzerland into their own particular political orbit. This question has been so fully and publicly discussed in one way and another during the past year and it has been so evident that there is no intention on the part of Switzerland to alter her present status, and join one or other Group of Great Powers, that only the deaf and blind could continue to entertain a hope that she would voluntarily do so.

I have, &c.

ESME HOWARD.

CHAPTER LXIX.

JAPANESE AGREEMENTS WITH THE UNITED STATES, RUSSIA, AND GREAT BRITAIN.

I.—THE JAPANESE-AMERICAN AGREEMENT OF NOVEMBER 30, 1908.

No. 348.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/472.

3099/3099/08/23.

Tel. (No. 6.)

Foreign Office, January 30, 1908.

D. 3·10 P.M.

Your telegram No. 7 (of Jan[uary] 28).⁽¹⁾

You might say that it is with the greatest pleasure and gratification that H[is] M[ajesty's] Gov[ernment] observe that the Alliance has stood the test of time, and that its true aim and object as a guarantee of peace among the nations is now generally recognized. H[is] M[ajesty's] Gov[ernment] are firmly persuaded that this will remain as true in the years to come as it has proved to be in the past; and they trust that the friendship and goodwill which have resulted from it may continue undiminished.

⁽¹⁾ [Not reproduced. Sir C. MacDonald suggested that he should be authorized to communicate a message from His Majesty's Government on the occasion of the dinner to celebrate the Anglo-Japanese Alliance on February 13, 1908. (F.O. 371/472. 3099/3099/08/23.)]

No. 349.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/472.

3473/3099/08/23.

Tel. (No. 7.)

Foreign Office, February 1, 1908.

D. 3·55 P.M.

Your telegram No. 10 (of Jan[uary] 31 Anglo-Japanese Alliance).⁽¹⁾

Opinion of Minister for Foreign Affairs is entirely unfounded. I have consistently treated the Japanese Ambassador here with the frankness and confidence due to an ally. We regard the new arrangements with Russia made by ourselves and by Japan⁽²⁾ as making the objects of the Anglo-Japanese Alliance more secure, but not as diminishing the importance of those objects or making the co-operation of Japan with us to maintain them less desirable. The action we have taken in connection with South Manchuria telegraph question is purely to safeguard commercial interests and has no political motive whatever, and when question of competition with South Manchurian railway arose recently we deliberately refused to press a Chinese project in which a British contractor was interested, on hearing that Japanese considered it would compete unfairly with their railway.

It would affect public opinion here adversely, if the Alliance proved unfavourable to British commercial interests, but that is a point on which we have been quite open from the beginning.

⁽¹⁾ [Not reproduced. This telegram (F.O. 371/472. 3473/3099/08/23) describes a conversation with the Japanese Minister for Foreign Affairs, in which he stated that he believed the present British Government to be inimical to the Anglo-Japanese Alliance.]

⁽²⁾ [The Russo-Japanese Treaty of July 30, 1907, is mentioned in *Gooch & Temperley*, Vol. IV, especially pp. 285-6, *Ed. note*. The negotiations leading to the Anglo-Russian Convention of August 31, 1907, are the main subject of the same volume.]

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/472.
4073/3099/08/23.
(No. 19.)

Sir,

Foreign Office, February 3, 1908.

I told Baron Komura to-day that, after the statement he had made to me about the South Manchurian Railway, I had telegraphed to Sir John Jordan to instruct him that as the Japanese had expressly anticipated that the proposed Chinese line would give rise to unfair competition he must not press the Chinese project.

I then told him that I had heard recently through Sir C. MacDonald that there was an impression in Tokio that opinion here, even the opinion of the Government, was not well-disposed towards the Anglo-Japanese Alliance. Our action with respect to the South Manchurian Railway and with regard to the Manchurian Telegraphs had been taken as indications of this.

With regard to the Telegraphs our object was purely commercial, to prevent our ocean Telegraphs from being suddenly confronted with an arrangement for cheap land competition by the linking of the Russian and Japanese systems.

With regard to the Railway project in South Manchuria, as soon as we found that political considerations and unfair competition were involved in it, we had instructed our Minister at Peking not to promote it.

If opinion here were to be adversely affected, it would be by finding that co-operation with Japan was prejudicing British commercial interests. Two instances had occurred to me which might possibly have affected opinion in this way: one was that the Agent of the Japanese Bank had blocked a loan to the Viceroy of Hankow to which the Hongkong and Shanghai Bank considered they had a prior claim; the other was the complaint of unfair competition with Newchwang through Dalny.

But the public here knew nothing about the first of these points, and though questions had been asked about the second some time ago that complaint had now disappeared.

Baron Komura said he had not himself noticed any change in the disposition of British public opinion in any quarter here. It was true that the Agent of the Japanese Bank had offered to make a loan to the Viceroy of Hankow, but when the Japanese Government understood that the Hongkong and Shanghai Bank had a prior claim, they had instructed the Japanese Agent not to make a loan.

I said I regarded it as important that the spirit of the Alliance should be maintained. Our Agreement with Russia, and that of Japan with Russia, had no doubt made the objects of our Alliance more secure; but it was necessary to maintain the co-operation between us, otherwise those objects would at once become less secure. I had certainly always treated the Japanese Ambassador with the frankness due to an Ally, and it had been very far from my intention, and I should have regretted it very much, that anything in my attitude should give the impression that I was not favourable to the Alliance.

I hoped, therefore, that the Japanese Ambassador would report to his own Government what his impression had been of opinion here.

He promised to let Count Hayashi know that he had seen no change either in public opinion or on the part of the British Government that was at all unfavourable to the Alliance.

[I am, &c.]

E. G[REY].

No. 351.

Sir Edward Grey to Mr. Bryce.

F.O. 371/473.

3830/3506/08/23.

Tel. (No. 12.)

Foreign Office, February 5, 1908.

D. 2·20 P.M.

Your telegram No. 12.⁽¹⁾

I gather from your telegram that the U[nited] S[tates] Gov[ernmen]t have settled or are settling their difference with Japan on much the same terms as Canada has agreed to. If so any communication made by us to Japan as indicated by the President would be taken as implying a doubt whether Japan would keep her assurances to Canada as well as to the United States. Japan has never mentioned her difficulties with the United States to us and for me to initiate the subject with her would give rise to suspicion. Should Japan discuss this subject with us or should further difficulties arise respecting Canada I will bear in mind what you tell me of the views of the United States Government.

(¹) [Not reproduced. The contents of the telegram (F.O. 371/473. 3830/3506/08/23) are described fully in Sir G. MacDonald's despatch No. 57, of March 17, 1908, *v. infra*, pp. 457-8, No. 354.]

No. 352.

Mr. Bryce to Sir Edward Grey.

F.O. 371/473.

7193/3506/08/23.

(No. 53.) Secret.

Sir,

Washington, D. February 14, 1908.

R. March 2, 1908.

I had to-day a conversation with the President on his initiative on the subject of the relations of the United States and Canada with Japan.

He observed that what he really desired, and what he thought would be as much in the interests of the British Empire as of the United States, would be a complete understanding between the two countries on the subject of their relations to Japan and the adoption of a similar attitude on the question of Asiatic Immigration. He did not suggest that the time had come either for doing or for saying anything. He appreciated your view that it was undesirable for you to say any thing at this moment to Japan, and indeed agreed that harm might have been done by speaking. What he did think desirable and likely to be useful was that if a moment arrived when the position became critical, or the necessity arose of telling the Japanese Government in a direct and forcible way that the immigration of their labourers could not be allowed to go on, His Majesty's Government and his own should speak in the same sense and with equal decision. I asked him when he thought that such a crisis might arise. He replied probably in three months from now, say at the beginning of June. This I may remark, is the time which has occurred to me as likely to be contemplated by him, because Congress will rise then, and if an exclusion law were to be passed, that would be the latest time before December for passing it. It is also just before the time when the Republican National Convention will meet for the nomination of a party candidate for the Presidency. He observed that the strength of the feeling in British Columbia had been brought home to him by the fact that four British Columbian Members of Parliament who had been visiting Washington three days before, had thanked him for sending the fleet into the Pacific. If, he pursued, one could imagine a war with Japan and the Japanese landing on the Pacific Coast, British Columbia would, he felt sure, rush into the fray. He did not himself think that the Japanese could mean to provoke a war. He agreed with your view, which I had given him, that nothing was more unlikely; but extraordinary things sometimes happened. There might be a riot on

the Pacific Coast in which Japanese might be killed; there might be an outbreak of popular feeling in Japan roused by the passing of an Exclusion Act here. Germany, France and Russia all believed that there would be war. When I asked why the Germans should believe it, he said that the German Emperor was subject to "Pipe Dreams," *id est*, visions such as those produced by opium. Five years ago the Emperor had believed himself on the verge of war with Britain. It was the Emperor who had warned the Russians to expect torpedoes in the North Sea, and so frightened them as to induce the Dogger Bank incident. However he did not himself expect any war, believing that the Japanese, though they had been making tremendous efforts to strengthen their army and navy and were taking from their people in taxes one third of what they earned, were more likely to take action in the direction of China for the sake of establishing control there.

The Japanese were still less likely to wish to quarrel with Great Britain than with the United States, but if any risk of war did arise, it would be averted by the simultaneous use of firm warnings by the two Governments.

Although he did not believe there was any danger threatening the fleet during its cruise to the Pacific, he had enjoined Admiral Evans to take every possible precaution in the harbour of Rio and in the Straits of Magellan. He added that he intended to send the fleet home through the Indian Ocean and the Suez Canal and that he was going to keep the whole of it together.

I observed that surely he could not anticipate any risk after the fleet had reached the hospitalities of Hong Kong on its homeward way. He said of course he did not, but yet it was better to keep it all together. Suddenly he interposed the remark, with a connection of ideas in his own mind which he did not stop to trace in words, that five years ago when the Germans had seemed to be threatening to occupy some place on the Venezuelan Coast, he was obliged to warn that Government through their Ambassador here that they could not be permitted to do so.

The impression left on my mind is that he entertains some doubt of the bona-fides of the Japanese Government, believing that the Emigration Companies interested in keeping up the outflow of Japanese labour are very powerful in Japan, and that without attributing to that Government an intention so obviously wild and hazardous as that of provoking a war, he thinks the contingency of a breach not too remote to be provided against.

I have, &c.

JAMES BRYCE.

No. 353.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/473.

7826/3506/08/23.

Tel. (No. 15.) Very Confidential.

Tôkiô, March 6, 1908.

D. 8·15 P.M.

R. 12·30 P.M.

H[is] M[ajesty's] Representative at Washington tel[egram] No. 12 of Feb[ruary] 3⁽¹⁾ and your reply of Feb[ruary] 5.⁽²⁾

Japanese Immigration. Judging by sentiments strongly but privately expressed to me by Canadian Mission when here, Canada does not think her interests and those of America are identical on this question. American Embassy made marked overtures

⁽¹⁾ [Not reproduced. The contents of the telegram (F.O. 371/473. 3830/3506/08/23) are described fully in Sir C. MacDonald's Despatch No. 57 of March 17, v. immediately succeeding document. The telegram was despatched on February 2.]

⁽²⁾ [v. *supra*, p. 455, No. 351.]

to come into line with Canadian negotiations but mission were so averse, and I think rightly, that I ignored these overtures.

Anything like joint action between England, Canada and America would have had the worst effect with the Japanese.

MINUTE.

This is the view we took here, and the U[nited] S[tates] President has agreed that there is no need for our saying anything to Japan.

F. A. C.
6/3.
C. H.
E. G.

No. 354.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/474.

12729/8661/08/23.

(No. 57.) Very Confidential.

Tôkiô, D. March 17, 1908.

Sir,

R. April 13, 1908.

The telegraph section received by the last Foreign Office bag on the 2nd instant contained a telegram from His Majesty's Representative in Washington which I think calls for some comment.

This telegram was received at the Foreign Office on February 3rd⁽¹⁾ and mentioned that at a lunch given by the President to Mr. Bryce for the purpose of discussing the situation between the United States and Japan, the former had spoken very seriously on the subject of Japanese immigration into Western America, and had stated that the United States Government were relying on the result of some promised arrangement proposed by Japan, but if these arrangements were not faithfully carried out measures would be taken to exclude Japanese labourers by law, for the American Government were determined that they should no longer enter the United States "under any pretext whatever." The President went on to say that the policy of Great Britain in this matter of Japanese emigration and that of the United States might very properly be similar; he also thought that it would go very far to effect a settlement if His Majesty's Government would address Japan in a friendly manner respecting the attitude of the American Government in this question.

It is not clear why arrangements and regulations for restricting immigration into Western America should be entered into between the two Governments if the United States Government are determined that Japanese labourers should no longer enter the United States under any pretext whatever.

In a previous telegram received at the Foreign Office the same day,⁽²⁾ Mr. Bryce stated that the Secretary of State had said that the United States Government had "spoken very plainly" to the Japanese Government on this subject of immigration, and the President at the same time declared that the principal reason for sending the American Fleet to the Pacific was to "impress Japan with the seriousness of the situation."

In reply to the first of these two telegrams you pointed out that as Japan had never mentioned her difficulties to us, to initiate the matter would give rise to suspicion, but that should Japan discuss the subject or should further trouble arise between Canada and Japan the views of the United States Government would be borne in mind.⁽³⁾

On the arrival of Mr. Lemieux and Mr. Pope, the Canadian Commissioners, in November last the question of a possible rapprochement with the American Embassy

(1) [Not reproduced. *cp. supra*, p. 456, No. 353, note (1).]

(2) [This telegram, No. 11 (F.O. 371/473. 3611/3506/08/23), is not reproduced as the contents are summarised above.]

(3) [*v. supra*, p. 455, No. 351.]

in the matter of the object of the Canadian Mission was discussed, and both the Commissioners were emphatic as to the undesirability of such a course. I was given to understand that the great majority of Canadians were averse to negotiating together with America on this or indeed almost any question, and that this was especially the case with the Imperialist Party in Canada, and the descendants of the considerable number of English, who, after the so-called "War of Independence" trekked into Canada sooner than become American citizens.

On the other hand my American colleague, Mr. O'Brien, on more than one occasion sounded me, but in the most courteous manner, as to the possibility of the two Embassies working together on the immigration question, and the Councillor of the American Embassy also approached Mr. Lindley, somewhat more emphatically on the same subject. I pointed out to Mr. O'Brien that the two questions were not altogether on similar lines because the American Government could legislate against immigration, whereas Canada could not do so without first abrogating her treaty with Japan. I am entirely in accord with the view expressed in your reply to Mr. Bryce's telegram that as the United States Government were settling their differences with Japan on much the same terms as Canada had agreed to, any step on our part on the lines indicated by the President would imply a doubt as to whether Japan would keep her assurances to Canada as well as to the United States.

I am of opinion that anything like joint action between ourselves and the United States in this matter would have a bad effect with the Japanese. That it would also have a bad effect with the Canadians was made absolutely clear to me by the Canadian Commissioners. Under these circumstances I deemed it my duty to apprise you of this by telegraph.⁽⁴⁾

The President's declaration that the reason the American Fleet was sent to the Pacific was to "impress Japan" with the seriousness of the situation is possibly only one more of those declarations which the President does not mean to be taken altogether seriously. Any way the arrival of the fleet in the Pacific has certainly failed to impress Japan. The Japanese Government are fully impressed with the seriousness of the emigration question, and sooner than imperil friendly relations with America they would, I know, themselves prohibit emigration; but a menace such as the sending of a fleet, leaves them absolutely cold.

I have, &c.

CLAUDE M. MacDONALD.

(4) [v. immediately preceding document.]

No. 355.

Mr. Bryce to Sir Edward Grey.

F.O. 371/475.

10563/10563/08/23.

(No. 104.) Most Confidential.

Sir,

Washington, D. March 19, 1908.

R. March 28, 1908.

Three days ago Baron Takahira, the new Japanese Ambassador called upon me by appointment and asked my advice in a rather guarded and round about way as to whether it would be desirable that His Government should accept the proposal of the United States' Government to conclude a General Arbitration Treaty on lines similar to the Arbitration Treaties which the United States are concluding with other Powers. He had already communicated with his Government and had told them by cable that such treaties had been signed by the United States with France and Switzerland but his Government had not yet answered.

I replied that my own personal view was that the conclusion of such a Treaty would have a good moral effect and help to dispel the rumours so persistently repeated of strained relations between Japan and the United States.

The Ambassador then asked whether the Draft of the proposed Treaty had been privately settled between His Majesty's Government and that of the United States. I told him that we proposed to reserve our freedom as France had done, though in a different form of words, but that I had not yet received your final instructions regarding the Treaty.

When I asked him to what cause he attributed the suggestion so constantly renewed in the Press—though less frequently in the United States in the last six weeks—that a breach might occur between Japan and the United States, he said, *inter alia* that perhaps there might be persons or Governments whose aim it was to weaken the alliance between Great Britain and Japan by endeavouring to create a position in which Great Britain might seem put to the alternative of choosing the friendship of one or the other; and he observed that the desire to enlarge the United States' Navy might count for something. There were those in this country who would like to see more vessels of war built here. Whether this reference was to firms desiring contracts, or to persons in high posts whose policy it was to strengthen the navy; he did not indicate; nor did it seem necessary to inquire.

Two days ago having occasion to see the President in order to place in his hands a letter from His Majesty,⁽¹⁾ I took the opportunity of expressing the hope that he had no further reason for apprehending trouble in the relations of his Government with Japan. He did not show the same eagerness to discuss the subject as when he had introduced it a month ago; and he referred to it with much more calmness.

He remarked however that the number of Japanese that had entered the United States in January had been larger than he liked, and he reverted to the possibility formerly dwelt on by him to me, that if a Japanese were to insult an American girl in San Francisco and were to be lynched there, perhaps with other Japanese, by a mob, and if this were to provoke an attack upon citizens of the United States resident in Japan—perhaps the murder of the United States' Ambassador by a Japanese fanatic,—a very strained situation might arise which neither Government could control.

This world is no doubt full of possibilities. They are even more numerous than facts.

I have, &c.

JAMES BRYCE.

⁽¹⁾ [v. Sir Sidney Lee: *King Edward VII*, (1927), II, p. 440. President Roosevelt's letter to which this was a reply is printed *ib.*, p. 439.]

No. 356.

Sir C. MacDonald to Sir Edward Grey.

Private.⁽¹⁾

Dear Sir Edward,

Tôkiô, October 26, 1908.

Your telegram stating that H[is] M[ajesty's] G[overnment] would not in principle object to the opening of the Dardanelles⁽²⁾ came somewhat as a surprise, and will be I am sure an unpleasant one to the Japanese, however I am equally sure that they will accept the inevitable with a good grace. I do not in the meantime intend to say anything about it because your telegram says "if I am approached" and I don't think I shall be—just yet anyway. The visit of the American fleet has been an unqualified success and has produced a marked and favourable impression on both officers and men of the fleet—in fact it has had the effect our Allies wanted it to and has put an end to all nonsensical war talk.

Speaking to the Prime Minister who is also for the moment Finance Minister I said, to entertain 14,000 men for seven days must have cost a lot of money—not so much he replied with a twinkle in his eye as they have left behind them. As the men were not allowed ashore at Manila on account of the cholera they had lots of

⁽¹⁾ [Grey MSS., Vol. 29.]

⁽²⁾ [*cp. Gooch & Temperley*, Vol. V, p. 460, No. 398.]

back pay to dispose of and I understand Tokio and Yokohama are now full of Uncle Sam's gold. The Japanese have therefore got what they wanted, and are not out of pocket in the getting.

Yours sincerely,
CLAUDE M. MACDONALD.

No. 357.

Sir Edward Grey to Mr. Bryce.

F.O. 371/477.

41237/41237/08/23.

(No. 359.) Secret.

Sir,

Foreign Office, November 23, 1908.

The American Ambassador came to tell me to-day that he was instructed to make to me confidentially a personal communication. He thought this might best be done by reading to me a document, which he afterwards left with me. It was as follows:—

Sir,

I have the honour to inform you that the Secretary of State will shortly make an exchange of Notes with the Japanese Ambassador at Washington, which will thereupon be made public, embodying the following declaration of the policy, aims, and intentions of the United States and Japan in the region of the Pacific Ocean:—

(1) It is the wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.

(2) The policy of both Governments, uninfluenced by any aggressive tendency is directed to the maintenance of the existing *status quo* in the region above mentioned and to the defence of the principle of equal opportunity for commerce and industry in China.

(3) They are accordingly resolved reciprocally to respect the territorial Possessions belonging to each other in said region.

(4) They are also determined to preserve the common interest of all Powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.

(5) Should any event occur threatening the *statu[s] quo* as above described, or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take.

In thus communicating confidentially the text of the proposed declaration I have the honour to state that the Government of the United States has the greater pleasure in doing so since its objects are in entire accord with the corresponding purposes of the Anglo-Japanese Agreement of August 1905,⁽¹⁾ as indeed with the policy respecting the Chinese Empire and foreign interests in that quarter, as to which a similarity of interests in the Far East has so long placed the United States and Great Britain in agreeable understanding.

I have, &c.

WHITELAW REID.

I told the Ambassador that I should, of course, like to study the text of the communication he had made to me before saying anything definite. But it seemed to me that it contained very good news. Our alliance with Japan had not been popular in all quarters at first; but this agreement between the United States and Japan seemed to have in view exactly the same object as our alliance, and I welcomed it because our alliance was directed simply to the maintenance of this object.

⁽¹⁾ [*v. Gooch & Temperley*, Vol. IV, pp. 164–9, No. 155.]

The Ambassador hoped that when I had considered his communication I would tell him something which he could send on to his Government.

I replied that I would do this, and meanwhile I repeated that what he had told me seemed to be very good news.

[I am, &c.
E. GREY.]

MINUTE.

A reply should now be drafted for the Ambassador to send to his Gov[ernment]: I should think it had better be in the form of a letter from me to him expressing satisfaction.⁽²⁾

E. G.

MINUTE BY KING EDWARD.

App[roved].—E.R.

⁽²⁾ [This was done, and the letter sent to Mr. Whitelaw Reid on November 30, 1908. *v. infra*, pp. 465-6, No. 364, Sir Edward Grey's despatch No. 370 of December 4 to Mr. Bryce, which includes a copy of this letter.]

No. 358.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/477.

Tôkiô, November 27, 1908.

41475/39542/08/23.

D. 6·10 P.M.

Tel. (No. 86.) Secret.

R. 6·15 P.M.

German Emperor's interview.

My telegram No. 78.⁽¹⁾

In the course of recent conversation I have elicited from Japanese Minister for Foreign Affairs some of Emperor's actions mentioned in my above telegram which the Japanese Government considered inimical to Japan.

In June 1907, when the wisdom of sending the Atlantic fleet round to the Pacific was being discussed, the Emperor wrote to President Roosevelt and offered to lend him the whole of the German fleet to guard Atlantic shores of America.

At a later date when there was much wild talk about a war between America and Japan, the German Emperor again wrote to President Roosevelt and offered to place an army corps at his disposal.

Japanese Government are aware of practical absurdity of both offers, but they know that the letters were written.

They have ascertained that German Emperor is awaiting the arrival of Tong Shao Yi for the purpose, if possible, of sowing dissension between China and Japan.

They do not think that he will succeed, but Japanese Minister for Foreign Affairs has gone to the length of warning the Chinese Envoy.

MINUTES.

If these tales of the German Emperor be true, he is even wilder than one imagined, and there would seem to be no limit to his extravagances.

F. A. C.
28/11.

C. H.

If the Japanese caused this to be published and the Emperor could not deny having written the letter there would be another debate in the Reichstag.

E. G.

⁽¹⁾ [Not reproduced. The telegram (F.O. 371/477. 39542/39542/08/23) refers to the *Daily Telegraph* Interview (*v. Gooch & Temperley*, Vol. VI, ch. XLIII, Section III, pp. 201-26) and states that the Emperor had assured the Japanese Government that "his observations in regard to the Pacific had reference only to trade questions in the Far East, and were in no sense directed against Japan."]

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/477.

42071/41237/08/23.

Sir,

Foreign Office, November 27, 1908.

The Japanese Chargé d'Affaires came to tell me to-day that his Government had made an Entente with the United States.

Of late the Press had very much magnified the differences between the two countries, and the two Governments had decided to embody their agreement in the form of an exchange of Notes, as this form avoided the necessity for ratification by the American Senate. He handed me a summary of the proposed Japanese Note. (See document attached.)

I told him I thought this was very good news. I welcomed it sincerely, and I was sure all my Colleagues would do so too. When, some months ago, the Press had been excited in the United States with regard to Japanese immigration, I had been approached from some quarters and had always expressed the opinion that there was nothing aggressive in Japanese policy, and that there was nothing in it which would lead to serious differences with the United States. This agreement would be a complete answer to all the apprehensions which had been aroused. I supposed it would be published.

The Japanese Chargé d'Affaires said it was not yet quite in shape, but of course when it had been concluded it would be published.

I also observed that, although no fears had been expressed in this country, there had been apprehensions expressed—though they had not always appeared in a form which was authentic—in other quarters of Europe to the effect that Japanese policy must conflict with that of the United States and of Europe generally. The publication of this agreement—about the authenticity of which there could be no doubt—would be an appropriate comment upon all this talk. As the ally of Japan we were very pleased with it: because we ourselves were especially desirous of remaining on good terms with the United States.

[I am, &c.]

E. G[REY].

Enclosure in No. 359.

Summary of the Japanese Note.

Japanese Embassy, London.

The exchange of views which has recently taken place between the Japanese Ambassador and the Secretary of State has shown that Japan and the United States of America holding important outlying insular possessions in the region of Pacific Ocean, the governments of the two countries are animated by a common aim, policy and intention in that region. Believing that a frank avowal of that aim, policy and intention will tend to strengthen the relation of friendship and good neighbourhood which has immemorially existed between Japan and the United States and will also contribute to the preservation of the general peace, Imperial Government have authorized their Ambassador in Washington to present to the Secretary of State an outline of their understanding of that common aim, policy and intention.

1. It is the wish of the two governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.

2. The policy of both governments uninfluenced by any aggressive tendencies is directed to the maintenance of the existing status quo in the region above mentioned and to the defence of the principle of equal opportunity for commerce and industry of all nations in China.

3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in the said region.

4. They are also determined to preserve the common interests of all Powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for the commerce and industry of all nations in that Empire.

5. Should any event occur threatening the status as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it as useful to take.⁽¹⁾

⁽¹⁾ [The exchange of Notes between Mr. Root and Mr. Takahira took place on November 30. The text is printed in W. M. Malloy: *Treaties, Conventions . . . between the United States of America and other Powers*, (Washington, 1910), Vol. I, pp. 1045-7.]

No. 360.

Sir E. Goschen to Sir Edward Grey.

F.O. 371/477.

42527/41237/08/23.

(No. 516.)

Sir,

Berlin, D. November 29, 1908.

R. December 7, 1908.

The announcement of the agreement arrived at between the United States of America and Japan with regard to the maintenance of the status quo in the Pacific and of the integrity of China, has been welcomed in the German Press as betokening a new guarantee of peace in the East, and as furthering the interests of all nations equally by reasserting the principle of the open door for all commerce and trade in China.

The North German Gazette expresses its lively satisfaction at the terms, as telegraphically reported from New York, of this agreement, which confirms afresh the principles laid down in the Anglo-German Agreement of October 16, 1900,⁽¹⁾ and the Franco-Japanese Agreement of June 10, 1907.⁽²⁾

An officially inspired Berlin telegram published in the "Cologne Gazette" of yesterday also declares that all the Powers must be relieved to learn that America and Japan have been able to come to an agreement which will enable them to live side by side on friendly terms. As far as Germany is concerned, she has always maintained her desire for the observance of the principle of the open door, and the German Government cannot but welcome a treaty which while securing China from external menaces of danger, will enable her henceforth to concentrate her attention upon her internal development.

I have, &c.

W. E. GOSCHEN.

⁽¹⁾ [*v. Gooch & Temperley*, Vol. II, pp. 15-6, No. 17.]

⁽²⁾ [*v. Gooch & Temperley*, Vol. IV, pp. 285-6, *Ed. note.*]

No. 361.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/477.

42071/41237/08/23.

Tel. (No. 60.) Confidential.

Foreign Office, December 1, 1908.

D. 6 P.M.

I expressed to Japanese Chargé d'Affaires on Friday our most cordial congratulations on their Agreement with the United States. It is exceedingly welcome to us, and I shall be glad if you will convey our sentiments and congratulations to Count Komura.

No. 362.

Mr. Bryce to Sir Edward Grey.

F.O. 371/477.

43056/41237/08/23.

(No. 333.) Confidential.

Sir,

Washington, D. December 1, 1908.

R. December 10, 1908.

In my telegram No. 134 of the 27th ultimo⁽¹⁾ I had the honour to report the impending signature of the Agreement between the United States and Japan of which the text was communicated to you by cable by the United States Government. I enclose herewith copy of the Agreement, which was signed yesterday and will be made public this evening.⁽²⁾

The announcement of these negotiations has been well received by the Press. Even American Journalists who have perhaps of all their colleagues the least grasp of International Politics, are beginning to realise the importance of the Agreement. This lies not so much in its terms as in the fact of its conclusion, which latter marks a period in the Pacific policy of this country, and silences the last echoes of the war cries of last year. No criticism or even comment has as yet been directed to the form of the agreement. It might have seemed somewhat strange that a Foreign Government, remarkable for its prudence should enter into such an agreement with an expiring Administration in its last months or that the latter should feel prepared to bind its successors to so definite a step in foreign policy; further, that either Party should in such circumstances be willing that the agreement should be made in such a manner as to avoid the constitutional checks on the discretion of the Executive. That the Japanese Government are not entirely satisfied with the informal character of the instrument might possibly be inferred from the anxious assurances of Baron Takahira to me to the effect that it is satisfactory in that respect. The moral sanction of such a "gentleman's agreement" to use a business term, is however considerable, and now the Japanese Government may feel fairly assured of the continuity of the foreign Policy of the United States, considering that Mr. Taft will feel bound by his predecessor's acts more than successors generally are. It is however very remarkable that Mr. Root who has hitherto taken a view of the Senate's constitutional prerogative more respectful to that body than was Mr. Hay's, should have stretched the powers of the Executive so far on this occasion. It may be inferred that he has not done so without a controlling cause and without reason for confidence in regard to the consequences in the next session, all the more that his own admission to the Senate as representing New York is now practically certain.

His Majesty's Consul General at San Francisco reports that the Exclusion League and kindred agitators are endeavouring to keep anti-Japanese feeling alive on the coast, but without much success. The Exclusion League recently published figures acquired from the Japanese Consul General, to the effect that 3,235 Japanese arrived from January to August 1908 and 3,328 left San Francisco, contrasting them with figures of the Bureau of Immigration to the effect that 7,135 arrived and 64 left. The argument was that the recent agreement was not being honestly enforced by the Japanese Government. It seems however that the arrival figures of the Bureau apply to Hawaii as well as to the United States and that the departures are only for three months and are calculated on a different basis.

I have, &c.

JAMES BRYCE.

(1) [Not reproduced. It stated that the agreement would be recorded in an exchange of notes, to avoid the necessity of ratification by the Senate. (F.O. 371/477. 41474/41237/08/23.)]

(2) [The enclosure is not reproduced. For a summary of the Japanese Note *v. supra*, pp. 462-3, No. 359, *encl.*]

No. 363.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/477.

42576/41237/08/23.

(No. 567.)

St. Petersburg, D. December 3, 1908.

Sir,

R. December 7, 1908.

I have the honour to transmit herewith a translation of an official communiqué which was published in the "Novoe Vremya" of Nov[ember] 30, on the subject of the conclusion of an agreement between the United States of America and Japan.

I have, &c.

A. NICOLSON.

Enclosure in No. 363.

Translation of an official communiqué published in the "Novoe Vremya" of November 17/30, 1908.

From a reliable source we have been informed that the information, transmitted by Wolff's Agency from New York, respecting the conclusion between the United States and Japan of an Agreement guaranteeing the integrity of China as the principle of the "status quo" and universal equality for trade of all countries in this region and in the basin of the Pacific Ocean is fully confirmed. Both Powers informed the Russian Government respecting the conclusion of this Treaty at the proper time.

This new international Act, in its essence entirely analogous with the agreements concluded last year between Japan, Russia and France, undoubtedly will serve as a new guarantee of the consolidation of peace in the Far East, and in this respect is warmly welcomed here.

No. 364.

Sir Edward Grey to Mr. Bryce.

F.O. 371/477.

42324/41237/08/10.

(No. 370.)

Sir,

Foreign Office, December 4, 1908.

I gave the American Ambassador on the 30th ult[im]o the following reply to his communication to me of the Agreement with Japan:—

Your Excellency:—

I have the honour to acknowledge the receipt of your note of the 23rd instant⁽¹⁾ communicating to me the text of a declaration of the policy, aims, and intentions of the United States and Japan in the region of the Pacific Ocean, which is to be embodied in an exchange of Notes between the American Secretary of State and the Japanese Ambassador at Washington.

His Majesty's Government have learnt with sincere satisfaction of the impending conclusion of such an agreement, the objects of which as Your Excellency observes, are in entire accord with the corresponding provisions of the Anglo-Japanese Agreement of August 1905, and also with the policy of cordial understanding between Great Britain and the United States which has been pursued for so long to the advantage of the interests of both countries. The information conveyed by Your Excellency is most welcome to H[is] M[ajesty's] Gov[ernment], and they are confident that the conclusion of the agreement in question cannot fail to have beneficial results not only to the respective interests of the United States and of Japan but to the general peace in the Pacific and Far East.

⁽¹⁾ [*v. supra*, pp. 460-1, No. 357.]

I reminded him that when he had made this communication to me I had expressed the opinion that it was very good news, and that he had asked for something which he could send on to his Government; therefore I gave him this written reply.

He told me he had reported what I had said, with the proviso that I had wished for a little time to examine the document he had given me.

I then went on to say that if, a few days ago, I had been asked to say what Agreement I should most like to see made between any two other Powers, I should have suggested something of this kind between the United States and Japan. It was exceedingly welcome to us.

[I am, &c.]
E. G[REY].

II.—THE RUSSO-JAPANESE CONVENTION OF JUNE 1910.

No. 365.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/690.

22128/22128/09/23.

(No. 121.) Most Confidential.

Sir,

Tôkiô, D. May 13, 1909.

R. June 14, 1909.

Prince Ito having expressed a desire to see me before I left Tokyo on home leave, I made an appointment with him from which I have just returned.

The Prince was looking fairly well though at the commencement of the interview not so bright and alert as is his wont; as the interview proceeded, however, he became more animated and at the conclusion was quite himself.

His Excellency commenced by expressing pleasure at seeing me before I left for England and was kind enough to say that he hoped my absence would not be of long duration. He told me that he was aware that on the following day I was to meet the Premier, Marquis Katsura, and Count Komura at an informal lunch when only we three would be present.⁽¹⁾ He thought it was an excellent thing that I was returning to London for a short time where I would be able to discuss Far Eastern questions with people in authority and, above all, be able personally to put before you and other members of the Cabinet, the views of the Japanese Government on various questions and more particularly those relating to Japan's relations with China. He had that morning received from Count Komura, who was aware that I was to see him in the course of the afternoon, a memorandum containing details respecting the questions at the present moment in dispute between China and Japan. These questions were nine in number and as he was quite conversant with them all, he thought that the memorandum had been sent to him with a view to my visit. He hoped that, by the time I saw the Prime Minister and Minister for Foreign Affairs, a translation would have been prepared for my information.

I led the conversation on to affairs in China in general and in Peking in particular. On this subject the Prince was as frank as he was emphatic. He said that he considered that affairs in China were about as bad as they could be; the Government and Court were taken up with intrigue and the efforts of various parties to obtain the ascendancy. This was bad enough, but it did not constitute the principal danger which, in his opinion, lay in the fact that, in the provinces, too much power had been given to the provincial Assemblies, which he understood would be instituted this year. These in time would control the Viceroys and Governors. The Central Government was lamentably weak; there was not one man in the Peking Government,

(1) [v. immediately succeeding document.]

now that Yuan-shi-kai was gone, who was possessed with strength of character combined with knowledge and ability. The Viceroy, therefore, when it came to a point, would, without doubt, side with the local provincial Assemblies. A very dangerous state of affairs would in consequence arise, and his deliberate opinion was that within three years there would be a revolution in China. The Young Chinese party who were so imbued with the Rights Recovery Policy, consisted for the most part of students who had received their education, he regretted to say, in Japan; these young men, in clamouring for China's rights at the present juncture, were putting the cart before the horse; they should see to it that China put her house in order, before she spoke to Foreign Powers about recovering the rights which she had lost by her own supineness and apathy. In the old days he had on many occasions been accused of a too conciliatory Foreign policy, but he saw clearly that until Japan had set her own house in order it was useless to talk to Foreign Powers and, therefore, he always advised circumspection and a conciliatory policy and had been accused of weakness in consequence.

He thought it very essential that Great Britain's predominating influence in China should be maintained, for on it depended the peace of the Far East. So long as the Anglo-Japanese Alliance lasted there was little or no danger. His Excellency here spoke in enthusiastic terms about the Alliance and said that he never lost an opportunity of pressing upon the members of the Government the great importance of maintaining the Alliance and of the necessity in all dealings with Great Britain of acting loyally and honestly. The Prince added "the mere fact that we are geographically so far apart so that our local interests do not clash is, in my opinion an important feature in the stability of the Alliance."

With regard to the future of China, His Excellency thought that Great Britain sometimes lost sight of the fact that, if she ceased to exert the predominating influence she now held in China, it would be to her detriment in India. It was, perhaps, natural that the British people should be more occupied with internal matters and with affairs in the Near East than with things Far Eastern, but he begged that I would impress upon the authorities at home the great necessity for watching the trend of affairs in China, which, for the reasons he had given me, was causing the Japanese Government considerable anxiety.

His Excellency then spoke on the Tsin-min-tun Fakumen Railway and regretted the line the British Public and many of the influential newspapers had taken with regard to this question. He acknowledged that the British Government had acted with justice and admirable fairness, and the Japanese Government and people recognized the fact and were very grateful for the attitude His Majesty's Government had taken up. In his own mind he was convinced that the Fakumen extension would compete with the South Manchurian Line, more especially as the said extension would not if it once got to Fakumen stop there but be continued to Tsitshar on the Siberian line, in which case the South Manchurian Railway, the only asset the Japanese had as a result of the late war, would be quite worthless. He said he thought that the British public sometimes lost sight of the fact that they themselves had invested large sums of money in the South Manchurian Railway and were interested in its future.

I said it was hardly a fair question to ask but I should be grateful for his views as to the future of Dairen when the lease of the Liao-tung Peninsula came to an end. His Excellency somewhat misunderstood my question and, in so doing, imparted some information which I venture to think of considerable interest. He said Dairen was no use as a commercial Port; the Japanese Government had been deliberating on this point and had practically finally decided that Port Arthur was to be the Commercial Port of the future. He understood that responsible Russians before the war had come to the same conclusion; this information is so important and also so contrary to the general opinion, commercial and otherwise, as to the respective merits of the two ports, that I took a favourable opportunity of making His Excellency repeat what he had said. I then put my previous question somewhat more clearly.

His Excellency said "I may not be alive then (1923) but I do not see how we can possibly return to China the Liao-tung Peninsula." Later the Prince somewhat qualified this statement and said: "Of course if we find that the South Manchurian Railway does not pay and the Japanese Treasury has to support the upkeep of the Railway and the Port, then we may give it up; also much will depend upon what the Russians are doing in the North; so long as they remain in Harbin, we must remain in the South." His Excellency then spoke on the subject of the various "leased" territories in China and hoped that we would retain Wei-hai Wei as long as we could. He was quite certain the Germans had no intention of leaving Kiao-chow; in this connection he knew that the Emperor William had broken his word to the Emperor of Russia in that he had promised that he would take no steps in China without first consulting him (the Emperor Nicholas). Nevertheless he had "annexed Kiao-chow" without in any way warning the Russians. "I know for a fact" said His Excellency, "the Russian Emperor was in a great rage about this."⁽²⁾ I asked about Corea and the rumours that he was not returning to his post as Resident-General. "It is quite true," said His Excellency "I do not propose to return. I am getting old and I only undertook the post on the condition that I could vacate it when the Administration had been properly started. The facts about the appointment are as follows: after our Treaty with Corea⁽³⁾ when we undertook her foreign relations, it was generally recognized by the Emperor and the Government that neither a military nor a naval man would do, because, unlike Formosa, Corea was at any rate quasi-independent and a civilian administration was more in keeping with existing conditions; I was suggested and accepted the post on the understanding that I should have a free hand and could vacate the post when I considered the Administration had received a fair start. Last Autumn when I was over here I suggested that this time had now come, but Admiral Yamamoto begged that I would stay a little longer, and also my old friend Prince Yamagata pressed me to do so. So I returned to Corea but said that it was for the last time. Some difficulty has taken place with regard to a successor, and various names have been suggested, but I have had Viscount Sone with me in Seoul for the last eighteen months and he has learnt the work and will do very well, so I have suggested him." I said I trusted this would make no alteration in the policy of conciliation which had marked His Excellency's administration. Prince Ito said no change whatever would be made, for, although he was not in Seoul, he could direct from here, "the policy will continue, unless, of course, anything unforeseen happens and the Coreans behave foolishly, which I do not think they will. Indeed, the Japanese in Corea give me more trouble than the Coreans." Prince Ito's reference to Admiral Yamamoto is somewhat remarkable and bears out what I have on more than one occasion repeated that although the Admiral holds no official position and is very rarely seen, his influence in the councils of state is only second to that of the Elder Statesmen, and that, should troublous times come to Japan, he will at once come to the front. He will be recollected as forming part of Prince Fushimi's suite when His Highness visited England in the spring of 1907.

His Excellency told me that, before my arrival this afternoon, he had telephoned to Count Komura and informed him that I was coming and that he considered that with England Japan should have no secrets. He consequently proposed to speak quite openly and frankly to me which I venture to think he has done.

His Majesty's Representative in Vienna having telegraphed that morning that he had heard from a really trustworthy source that Prince Nashimoto was to be treated with exceptional civility as he was bringing with him the ratification of a

(²) [Marginal comment by Sir C. Hardinge: "This I believe to be a mistake. I have always heard that the German Emperor obtained the concurrence of the Emperor of Russia to go to Kiao-Chow at a lawn tennis party at which both were present in Darmstadt, shortly before the German lease was announced.—C. H." v. *Gooch & Temperley*, Vol. III, App. A, p. 412, and App. B, p. 426.]

(³) [*v. Gooch & Temperley*, Vol. IV, pp. 118-9, No. 109.]

convention which Prince Kuni had negotiated between Japan and Austria in the spring, I thought I would sound His Excellency on this point. As I had expected Prince Ito appeared much amused by the rumour which he characterised as quite absurd.

The impression left upon me by this interview is that Japan is determined to stand by the Alliance loyally and firmly and that in her we have a steadfast friend, useful at all times, but more particularly so in times of stress and trouble.

I have, &c.

CLAUDE M. MACDONALD.

MINUTE.

Prince Ito's statements and those of Marquis Katsura about the Alliance are very satisfactory and I will refer to them and reciprocate them in conversation with the Japanese Ambassador here.

E. G.

No. 366.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/690.

22129/22128/09/23.

(No. 122.) Confidential.

Sir,

Tôkiô, June 14, 1909.

As mentioned in my immediately preceding despatch giving an account of an interview I had with Prince Ito,⁽¹⁾ I was present to-day at an informal lunch given by the Minister for Foreign Affairs for the purpose of meeting Marquis Katsura, the Prime Minister; unfortunately Count Komura was suffering from a slight attack of influenza and could not be present: he sent a message to say he wished particularly to see me before I left for England and hoped to arrange a meeting next week.

There were present at the lunch the Vice Minister for Foreign Affairs, the Head of the Political Bureau and the Head of the Commercial Bureau in the Foreign Office, and two private secretaries. During lunch the conversation was general.

After lunch the Marquis and I retired to another apartment where in an interview lasting an hour and twenty minutes His Excellency said much that was interesting. Speaking in German, a language with which he is quite conversant, Marquis Katsura said that Prince Ito, immediately after his interview with me on the previous day, had come straight to his house, and remained there till late; the Prince had spoken freely of the matters which he had discussed with me; with regard to the outstanding questions between Japan and China and the memorandum which the Prince had shewn me, the Marquis said that Count Komura was having a translation made, and would doubtless have discussed it to-day, but would certainly do so when next he met me. The Marquis spoke of the extremely unsatisfactory state of affairs in China generally—, and said "Constitutions," "Parliaments" and "Assemblies" were most excellent things in their way—but much preparation was necessary to make a country ready for the same, and he thought China had not been sufficiently prepared for these institutions; there was very much to be done before she would be ready to assimilate and indeed understand them. In his opinion China was going a great deal too fast, and trouble would ensue.

With regard to the questions between Japan and China, the difficulty was that there was nobody of sufficient influence and authority now in Peking with whom the Japanese Government could negotiate; when they tried to come to an understanding, the Chinese endeavoured to shift the responsibility on to the Hague; on all these questions the Chinese had become very stiff-necked, but he could assure me, and he wished me particularly to mention this to you, that the Japanese Government would be infinitely patient in dealing with China regarding these questions.

⁽¹⁾ [*v.* immediately preceding document.]

As to the Anglo-Japanese Alliance, His Excellency repeated what Prince Ito had said, but at greater length and with even more emphasis; he said as long as this Alliance held all would be well in the Far East, but affairs in China must be carefully watched. His Excellency discussed the Balkan question and mentioned that Japan was straining every nerve to get on the friendliest terms with Russia, and he rejoiced at the good understanding we had with that Power, and our entente with France,—with Italy and France friendly the Mediterranean was safe, but Germany, the Power which his Excellency seemed thoroughly to mistrust, was coming Eastwards by way of the Balkans, and by reason of her friendship with Austria, the Bagdad Railway also was, he thought, a danger. Germany was to his knowledge active in Turkey; many of the Army Officers who formed the Young Turk Party had been educated in Germany and were German in sympathy; some of them in the higher ranks were his personal friends. In China also Germany was straining every nerve but here so long as the Alliance remained good she could be held in check.

With regard to the future in Manchuria and the leased territories His Excellency spoke in the same sense as Prince Ito—he did not see how Port Arthur, after the enormous sacrifices in blood and money which the Japanese on two occasions had made, could be given up; still if the Manchurian Railway and the leased territory became a financial burden to the Japanese Government they would have to be relinquished. As Prince Ito had told me. Port Arthur was to be made the Commercial Port in place of Dairen; this had been definitely decided upon though not yet given out and it was for the time being confidential. Port Arthur would not be fortified more than it was at present—as a matter of fact now that Korea had come under Japanese protection Port Arthur was strategically no longer necessary, for so long as Japan had command of the sea no attack need be feared from the side of Port Arthur, and Japan's frontier was on the Yalu from which a line of Railway ran back practically to Japan proper.

Marquis Katsura spoke of Korea, but added nothing to what Prince Ito had said. Before I left he begged me to assure His Majesty's Government that so long as he was in power, indeed, so long as he lived—for when he was not in the Government he was behind it—his guiding policy would be a close alliance and friendship on every point and at every turn with great Britain.

I have, &c.

CLAUDE M. MACDONALD.

MINUTE.

The last statement made by Marquis Katsura was very satisfactory and pleasant reading.

C. H.

No. 367.

Sir Edward Grey to Mr. Rumbold.

F.O. 371/689.

25552/14564/09/23.

(No. 112.)

Sir,

Foreign Office, June 29, 1909.

As the Japanese Ambassador came to see me to-day, I took the opportunity to say how pleased I was to hear what the Prime Minister at Tôkiô and Prince Ito had said to Sir Claude MacDonal, just before he left for England, about the Anglo-Japanese Alliance.⁽¹⁾

I was very glad to know the importance they attached to it, and how favourable to it they were. Now that every thing was quiet in the Far East, the necessity for maintaining the Alliance was naturally not so obvious. But one had to remember that

⁽¹⁾ [*v. supra*, pp. 466-70, Nos. 365 and 366.]

the quiet and security in the Far East so important for all of us and the peaceful arrangements Japan had made with other nations, all rested on the Alliance as the original foundation: and it was impossible to remove the foundation without imperilling what was built upon it. I felt very strongly the importance, in the interest of security, of maintaining the Alliance in vigour.

The Ambassador expressed satisfaction and agreement.

I went on to give him a general account of what had been passing in foreign affairs. According to our information, no political change had resulted from the meeting of the Russian and German Emperors, and only general subjects had been discussed. There was a great deal of trouble in Persia. Things were very uncertain and difficult, and Tehran itself appeared to be in danger at the present moment. But we continued to keep in touch with the Russians, and however great the difficulties in Persia might become, and however badly things might go, I did not think there was likely to be any breach between the Russians and ourselves about Persia.

[I am, &c.]
E. G[REY].

No. 368.

Sir A. Nicolson to Sir Edward Grey.⁽¹⁾

F.O. 371/691.

37479/37087/09/23.

(No. 544.)

St. Petersburg, D. October 6, 1909.

Sir,

R. October 11, 1909.

M. Sazonow said to me to-day that he had just seen a Russian gentleman, resident at Hamburg, who was in close touch with financial circles in Germany, and who had given him some curious information. This visitor had stated that he had been positively assured that the Japanese Government were contemplating the purchase of the Brazilian battleships which had been constructed in England, and that negotiations for that object were proceeding. He believed that the money would be found by means of a loan in the United States. His Russian friend had further informed him that Japan was preparing to undertake a campaign against Russia in about 18 months time, and that she was selling securities in the London market to collect funds.

I told him this last item of intelligence appeared to me in the highest degree improbable; in fact I could not believe in it. I could see no possible reason why Japan should have the remotest intention of venturing on another war with Russia, the results of which were most uncertain. She had so much to do at home and all her energies would, I imagined, be devoted to developing what she had acquired, and this would occupy her for a considerable time. A wanton war in which she could by no means be certain of being victorious, would alienate from her all sympathies, and I could not conceive what she could hope to gain by launching into ventures of that kind. M. Sazonow said that he was also sceptical as to that item of information, but what about the purchase of battleships? Would I enquire? I replied that I would do so; but I anticipated that the reply would be the same as that given in connexion with the reported purchase by Turkey of the same battleships. The Brazilian Government had characterized that report as "ridiculous"; and probably would apply the same term to the present rumour.

I have, &c.

A. NICOLSON.

⁽¹⁾[This despatch expands Sir A. Nicolson's telegram No. 450 of October 6, which is not reproduced. (F.O. 371/691. 37087/37087/09/23.)]

No. 369.

*Admiralty to Foreign Office.*F.O. 371/691.
39785/37087/09/23.

Confidential.

Sir,

Admiralty, October 27, 1909.

In reply to your letter (No. 37087) of the 13th instant,⁽¹⁾—I am commanded by My Lords Commissioners of the Admiralty to request that you will inform the Secretary of State for Foreign Affairs, that they have no reason to suppose that there is any truth in the rumour that the Japanese Government propose to purchase the battleships which have been under construction in this country for the Brazilian Government.

I am, &c.

C. I. THOMAS.

⁽¹⁾ [Not reproduced. Sir Edward Grey sent to the Admiralty a copy of Sir A. Nicolson's telegram No. 450, (*v. note* to immediately preceding document) asking if there was any truth in the rumour. (F.O. 371/691. 37087/37087/09/23.)]

No. 370.

*Sir A. Nicolson to Sir Edward Grey.⁽¹⁾*F.O. 371/691.
44843/37087/09/23.

Tel. (No. 505.)

St. Petersburg, December 9, 1909.

D. 8·10 P.M.

R. 9·30 P.M.

M. Isvolsky is troubled as to agitation produced in a large portion of the press and public here in regard to supposed aggressive intentions of Japan against Russia. His denials produce little impression. He tells me agitation is engineered by those hostile to his policy, by the German and Austrian press, and by Bourse manoeuvres, and although there is absolutely no foundation for it, harm is being done. Relations with Japan are excellent, and he is desirous of still further improving them. He asked whether anything could be done in London, and possibly in Tokyo, to dispel these mischievous reports.

⁽¹⁾ [This telegram was repeated to Tôkiô (No. 41).]

No. 371.

*Sir C. MacDonald to Sir Edward Grey.*F.O. 371/918.
974/974/10/23.
(No. 349.) Very Confidential.

Sir,

*Tôkiô, D. December 10, 1909.**R. January 10, 1910.*

During my visit to the Kobe Consular District (my despatch No. 58 Consular of December 1st)⁽¹⁾ Field Marshal Lord Kitchener passed through on his way to take steamer from the latter port, and I had an opportunity of meeting him at Nara near Kobe, the day before his final departure.

Lord Kitchener said that now that his visit was over and he had seen what he had come to Japan to see, he was more than ever convinced of the great practical value and utility of the Anglo-Japanese Alliance. He considered that our policy in the

⁽¹⁾ [Not reproduced. It describes Sir C. MacDonald's tour of the Kobe Consular District.]

Far East should be to foster the closest relations with the Japanese Government and people, for which purpose the Anglo-Japanese Alliance was a sheet-anchor; in all her legitimate aspirations we should stand by Japan through thick and thin. Personally he thought that Manchuria at any rate as far as Mukden, would, and indeed should be Japanese, if the peace of the Far East was to be maintained in the future; the Chinese system of Government he looked upon as hopeless, and instanced the last Viceroy of Nankin, who had organized a very respectable force of foreign drilled troops, regularly paid, by means of which he kept most excellent order in his province; this official was a short time ago replaced by a Mandarin of high literary attainments who declined to receive any officer unless in civilian dress and eventually disbanded the troops and diverted the money to other uses—Lord Kitchener's indignation at this most unmilitary procedure was markedly incisive. What could be expected from a Government like this? The Japanese on the other hand were consistent in their policy, knew what they wanted, and usually got it. He was much struck by their activity and push in the matter of Railways in Manchuria; once the Antung-Mukden Railway was built their position would be secure, but Mukden must be Japanese. At the present moment the Japanese position was very insecure; once they held the two railways up to Mukden there would be no fear for the future. These remarks, which were of course very confidential, on the part of a man in Lord Kitchener's position, are, I venture to think, interesting.

I have, &c.

CLAUDE M. MACDONALD.

No. 372.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/691.

4483/37087/09/23.

Tel. (No. 42.)

Foreign Office, December 12, 1909.

D. 11·00 A.M.

Sir A. Nicolson's tel[egram] No. 505 (of Dec[ember] 9⁽¹⁾ Russo-Japanese relations).

Could Japanese Gov[ernment] do anything to assist in allaying this agitation? Any statement made public by them, or which we could be authorized to pass on to St. Petersburg might have a good effect.

(¹) [*v. supra*, p. 472, No. 370.]

No. 373.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/691.

45422/37087/09/23.

Tel. (No. 72.) R.

Tôkiô, December 13, 1909.

D. 6·50 P.M.

R. 5·10 P.M.

Your telegrams Nos. 41 and 42⁽¹⁾: I have to-day seen Minister of Foreign Affairs with regard to above. He begs to say that rumours respecting Japan's aggressive intentions with regard to Russia are entirely absurd. Japanese Chargé d'Affaires at St. Petersburg has not reported these rumours, but mention is made of them

(¹) [Sir Edward Grey's telegram No. 41 repeated to Tôkiô Sir A. Nicolson's telegram No. 505 of December 9, *v. supra*, p. 472, No. 370. For Sir Edward Grey's telegram No. 42 *v. immediately preceding document.*]

in Japanese Press where they are treated as Bourse manœuvres and have attracted no attention. H[is] E[xcellency] authorizes me to state that there are no questions between Russia and Japan which need cause least anxiety: relations between the two countries are exceedingly friendly and the Japanese Gov[ernmen]t are most anxious that they should remain so.⁽²⁾

(²) [This telegram was repeated to St. Petersburg (No. 1357) on December 16.]

No. 374.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/691.

45977/37087/09/23.

(No. 662.)

St. Petersburg, D. December 15, 1909.

R. December 20, 1909.

Sir,

I have the honour to report that the following official *communiqué* appeared in the "Official Messenger" of this morning:—

"Of late there has been noticeable in the press a peculiar nervousness which has been evoked by rumours respecting alleged preparations for a conflict between ourselves and Japan. The papers have teemed with alarming news from the Far East, and unfortunately this nervousness is spreading to the wider circles of the public. According to information received these rumours are telling with special force on our outlying Far Eastern possessions, where under the influence of a deeply imbued conviction prevailing among the public (not excepting even representatives of the administration) to the effect that war with Japan in the near future is inevitable, this nervousnes[s] has assumed such alarming proportions that it is beginning to affect private enterprise in a very direct manner, and is inducing those engaged in such enterprise to apply to the Government for direct proof as to the truth of the rumours in circulation, and to inquire whether commercial and industrial enterprises in the Far East may rely on peace being preserved.

In the interests of the people the Imperial Government cannot regard with indifference so regrettable a manifestation of feeling, and considers it its duty to declare categorically that the rumours of any complications between Russia and Japan at the present time are baseless.

The Imperial Government has taken advantage of the four years which have elapsed since the conclusion of the late war to conclude a series of international agreements which aim at the removal of all traces of enmity which remained after the war, and at facilitating the peaceful development of political and economic relations between the two Empires.

From this point of view a special significance attaches (in common with the Treaty of Commerce and the Fisheries Convention) to the political agreement of 1907 between Russia and Japan,⁽¹⁾ the object of which is a mutual guarantee of the inviolability of the territorial possessions and Treaty rights of the two Powers in the Far East. These acts undoubtedly contribute to the stability of the general political situation on the littoral of the Pacific Ocean. As regards our relations with Japan in particular, absolutely nothing exists of the kind attributed to them by certain papers, and since the agreement of 1907 no serious friction or misunderstandings of any kind whatever have arisen. On the contrary, both the information received directly by the Ministry for Foreign Affairs and also the impressions brought back by the Minister of Finance from his recent visit to the Far East not only contain

(¹) [*v. Gooch & Temperley, Vol. IV, pp. 285-6, Ed. note.*]

nothing alarming, but also permit of an absolutely definite assurance that in our relations with Japan there is observable an entire readiness to oblige, and to settle all questions which arise by means of peaceful and friendly agreements.”

I have, &c.

A. NICOLSON.

No. 375.

Sir Edward Grey to Sir A. Nicolson.

F.O. 371/691.

45422/37087/09/23.

Tel. (No. 1358.) R.

Foreign Office, December 16, 1909.

Your Tel[egram] No. 505 of (Dec[ember] 9)⁽¹⁾ and my immediately preceding Tel[egram] (repeating Sir C. MacDonald No. 72 of Dec[ember] 13).⁽²⁾

Please inform M[inister for] F[oreign] A[ffairs] of Japanese assurances.

⁽¹⁾ [*v. supra*, p. 472, No. 370.]

⁽²⁾ [For Sir C. MacDonald's telegram No. 72, *v. supra*, pp. 473-4, No. 373.]

No. 376.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/691.

46371/37087/09/23.

(No. 212.)

Sir,

Foreign Office, December 17, 1909.

The Japanese Ambassador asked me to-day whether I had heard anything about the reports that Japan had aggressive intentions with regard to Russia in the Far East. These rumours were quite unfounded, and the Japanese Government believed their relations with the Russian Government to be satisfactory.

I replied that I had heard from St. Petersburg that M. Iswolsky had been much annoyed by reports of this sort in the Russian Press. He had been anxious that they should be contradicted, and had said that relations with the Japanese Government were perfectly satisfactory.⁽¹⁾

The Japanese Ambassador said that it was only in Russia that these reports had circulated or, he thought, received credence.

I told him that, as far as I could make out, they must have been circulated by those persons in Russia who wished to oppose M. Iswolsky's foreign policy, and hoped to damage him by putting into circulation reports of this sort; or else, the reports might have been circulated in connection with speculations on the Bourse. In any case, the Russian Government could not be concerned in the matter, for they had been very much annoyed, and had been emphatic that relations with Japan were satisfactory.

[I am, &c.]

E. G[REY].

⁽¹⁾ [*v. supra*, p. 472, No. 370.]

No. 377.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/691.
45951/37087/09/23.
Tel. (No. 511.)

St. Petersburg, December 18, 1909.
D. 3·5 P.M.
R. 3·50 P.M.

Russia and Japan. Your telegram No. 1358.⁽¹⁾

M. Isvolsky is very grateful for communication. He asked me, assuming that Japanese Government had no objection, whether the substance could not be communicated to London press in some form or other. The communications which he has made to press here have not convinced some circles, and he thinks that a communiqué to the London press which could be telegraphed out here by Reuter would have more effect.

⁽¹⁾ [*v. supra*, p. 475, No. 375.]

No. 378.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/691.
45951/37087/09/23.
Tel. (No. 44.) R.

Foreign Office, December 22, 1909.
D. 2·55 P.M.

Russia and Japan.

Gist of your tel[egram] No. 72 (of Dec[ember] 18)⁽¹⁾ has been communicated to Russian Gov[ernmen]t who express gratitude and suggest that it should be communicated to the London press in some form or other, as the communications to the St. Petersburg press have not convinced some circles. They think that a communiqué to the London press which could be telegraphed to St. Petersburg by Reuter would have more effect.

Enquire whether Japanese Gov[ernmen]t have any objection.

⁽¹⁾ [*v. supra*, pp. 473-4, No. 373. The telegram was despatched on December 13.]

No. 379.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/918.
7926/974/10/23.
(No. 39.)
Sir,

Tôkiô, D. February 14, 1910.
R. March 7, 1910.

On the 12th inst[ant], I and the staff of this Embassy were entertained to dinner at the Japanese Foreign Office to commemorate the 8th anniversary, not of the signature, as Count Komura's speech seems to suggest, but of the publication of the first Anglo-Japanese Treaty of Alliance, which appearing in London on the 11th of February, 1902, was issued here on Wednesday the 12th as an extra of the Official Gazette under the not very appropriate heading of "Summary of news: Government Office items." In addition to the host Count Komura, the heads of the Foreign Office sub-departments, General Baron Oku, and General Baron Fukushima, Chief and

Vice Chief of the General Staff, Vice Admiral Fujii, the new Vice Chief of the Naval General Staff and Rear Admiral TaKarabe, the new Vice Minister of Marine, all the Ministers of State were as usual present, with this departure from precedent, however, that they did not put in an appearance until half way through dinner and then not in evening dress. The fact was that their attendance had been required in the Diet where the Budget had come up for discussion in the Lower Chamber; and though it was eventually passed as amended in Committee in accordance with the compromise arranged between the Government and the Seiyukwai, sacrificing the immediate reduction of the income and communications taxes to a diminution of the land tax and a 25% increase of official salaries, the debate had been strong and protracted. Dinner thus began with the host and principal guests camping out in a desert of empty chairs, and though these gradually filled up with jubilant Ministers in frock coats, it was not until the toasts were about to be given that Marquis Katsura slipped into his seat, as smiling as ever after 8 hours in the House where he had stayed to the last to fight the Salt Monopoly Bill.

In accordance with Japanese etiquette precedence was given to the toast of the King, which was succeeded by the health of the Emperor of Japan proposed by myself. Then followed the speeches, of which I have the honour to send copies herewith. Count Komura referred to the Alliance as unchanged amid great international changes, except that in a national sense it had grown in favour and solidity and that internationally it is to-day a more important factor than ever before. For my part, while heartily endorsing the Foreign Minister's remarks, I replied that I could not do better than repeat the message, conveyed through me by His Majesty's Government two years ago, stating that we, the British Government, are confident in the strength of the Alliance, and are pleased beyond measure to see how it has stood the test of time, and that as a guarantee of peace among the nations its true aim and effect are now so generally recognised.

The loyalty of the Japanese official world to the Alliance is as staunch as ever and the enthusiasm of the Japanese people is no less wholehearted. As evidence of popular sentiment I may quote from the "Jiji Shimpō," which in an appreciative article in its issue of the 12th points out that the Alliance, designed in the first instance to safeguard the peace of the Far-East, was now by extension become a guarantee of the peace of the world. The Japanese agreements with Russia, France, and America were the direct outcome—"by-products" the "Kokumin" calls them—of the Anglo-Japanese Convention, and among its indirect results must be reckoned the Persia agreement, which by drawing England and Russia together minimized the risk of war at the time of the Balkan crisis. The pacific influences which originated from the Alliance have thus made themselves felt in Europe as well as in the Orient. "It may be asserted as a fact," the article continues, "that the enthusiasm of the Japanese people for the maintenance of the Alliance and of lasting relations with England grows with the passing years. We are ever grateful for the cordial goodwill and sympathy which Great Britain manifests to Japan whenever occasion arises. This was exemplified at the time of the Fakumen railway question, when the British Government refused to lend their support unless those interested, albeit mostly British subjects, could prove that the line did not compete with the South Manchurian Railway. A nearer example is the American internationalization proposal, a yet more recent instance, the Chinchow-Aigun concession. On all these questions the British Government and people have adopted an eminently impartial attitude, which is in some measure due to their inborn respect for fair play but chiefly to the warm friendship which sprang from the Alliance. There can be no doubt that this intimacy, growing yet closer with time, will render the Alliance even more effective in the cause of peace not only in the Far East but throughout the world.

I have, &c.

CLAUDE M. MACDONALD.

Enclosure 1 in No. 379.

Speech by Count Komura.

Your Excellencies and Gentlemen,

Again we meet to commemorate the day on which the happy thought of an Anglo-Japanese Alliance took form. Since then, eight years ago, great changes have taken place in international affairs. New combinations, new adjustments, new balances have been called into existence to correct the old order of things. Our alliance remains unchanged, except that, in a national sense it has grown in favour and solidity and internationally it is to-day a more important factor than ever before, in the processes which are making for peace and repose. Your Excellencies and Gentlemen: I ask you to join me in drinking to the continued beneficent influence of the Anglo-Japanese Alliance.

Enclosure 2 in No. 379.

Speech by Sir C. MacDonald.

Your Excellencies and Gentlemen and our most gallant and respected allies:

In the name of the British Government and British People I beg most heartily to endorse the sentiments regarding the Anglo-Japanese Alliance which His Excellency Count Komura has expressed with so much truth and eloquence.

I do not think I can do better on this occasion than repeat the words of a message from His Majesty's Government which I had the honour to convey at this dinner two years ago. The message was as follows: "We, the British Government, are confident in the strength of the Alliance, we are pleased beyond measure to see how it has stood the test of time, and that as a guarantee of peace amongst the nations of the world its true aim and effect is now so generally recognised and we earnestly hope that the good will and friendship which the Alliance has engendered between the Island Empires of the East and of the West will continue undiminished into the ages to come."

No. 380.

Sir A. Nicolson to Sir Edward Grey.

F.O. 371/920.

14011/2667/10/23B.

(No. 193.)

Sir,

St. Petersburg, D. April 15, 1910.

R. April 25, 1910.

The Emperor enquired of me this morning if I had made the acquaintance of Prince and Princess Fushimi of Japan who were now on a visit to St. Petersburg. I replied that I had been presented to them last evening at the Japanese Embassy. His Majesty said that he had had an opportunity of conversing with the Japanese Ambassador, Baron Motono, who had recently returned from a long leave of absence and he had enquired of His Excellency what impressions he had brought back with him as to the state of affairs in China. Baron Motono had given him a gloomy picture of the situation in that Empire which he considered was in the last stage prior to a final break-up of what he had characterised as a great inert mass. His Majesty gave me some details of the grounds on which Baron Motono based his predictions, and I enquired whether the Ambassador had touched upon the relations of his country with Russia.

His Majesty said that he was firmly convinced that all the rumours of future aggressive designs of Japan against Russia were quite groundless. He knew that

Russians in the Far East were nervous and alarmed: but the measures which Japan was taking to consolidate her position were most natural and reasonable and she was no doubt extremely active in developing her trade. No one could properly take exception to these endeavours. As to the relations between Japan and Russia they were eminently satisfactory: and indeed he understood from Baron Motono that the Japanese Government were desirous of developing still further the agreement which had been made in 1907. Russia was quite ready to meet her in that desire and he had every hope that the relations between the two countries would shortly become far more intimate. The United States of America, His Majesty observed, seemed disposed to pursue an active policy in the Far East which so far as it had been foreshadowed was not likely to be advantageous either to Russia or to Japan. The Emperor said that he had heard from Washington that the United States Government were not at all satisfied with the attitude which His Majesty's Government had adopted in regard to the Manchurian railways, but he himself was most grateful to you for the line which you had followed. His Majesty said that his mind was quite easy as to the future in the Far East so far as Japan was concerned, and he had not the least apprehension from that quarter.

I have, &c.

A. NICOLSON.

MINUTES.

The Japanese Ambassador informed us some days ago that Russia and Japan were on the point of entering into negotiations for the purpose of strengthening their relations on the Far East. Baron Motono takes a gloomy view of the position in China.

W. H. S.
25.4.10.

The Emperor is most grateful for the line taken by Sir E[dward] Grey in regard to Manchurian R[ailwa]ys—and H[is] M[ajesty] is quite happy as to the future in the Far East so far as Japan is concerned.

B. F. A.
26/4.

No doubt China is a "great inert mass" in a sense, but I do not the least believe in its being on the point of breaking up. The same thing was said of Turkey for many years, but that Empire has not broken up yet.

F. A. C.
27/4.
C. H.
E. G.

No. 381.

Sir Edward Grey to Sir C. MacDonald.⁽¹⁾

F.O. 371/920.

13888/2667/10/23.

Tel. (No. 11.) Secret.

Foreign Office, April 19, 1910.

The Japanese Ambassador informs me that the Russian Gov[ernmen]t have expressed a desire to conclude another agreement with the Japanese Gov[ernmen]t. with a view to strengthening still further the friendly relations between the two countries. The Japanese Gov[ernmen]t have no knowledge of the lines upon which the agreement is to be based, but they have instructed the Japanese Amb[assado]r in St. Petersburg to open negotiations.

⁽¹⁾ [This telegram was drafted by Sir C. Hardinge and sent, with a minute in the same sense, to Sir Edward Grey. The latter endorsed the minute as follows: "While continuing to be sympathetic we should when there is opportunity put in a word to show that we expect the open door to be guaranteed.—E. G." The telegram was repeated to St. Petersburg as No. 180.]

I assured the Japanese Amb[assado]r that we would welcome the further consolidation of friendly relations between Russia and Japan as tending to the peaceful development of the Far East.

H[is] E[xcellency] promised to keep me informed of future developments.

No. 382.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/920.

13725/2667/10/23.

Tel. (No. 18.) Secret.

Tôkiô, April 21, 1910.

D. 5·35 P.M.

R. 4·0 P.M.

M[inister for] F[oreign] A[ffairs] spoke to me to-day in the sense of your telegram No. 11 received yesterday.⁽¹⁾

He stated that he was very pleased at warm welcome you had given to the idea of further agreement between Japan & Russia. Japanese Ambassador who has just returned to St. Petersburg has received no definite instructions but is to await Mr. Isvolski's return, it being understood that Russian Gov[ernmen]t will evolve plan of agreement which could be considered by Japanese Gov[ernmen]t.

M[inister for] F[oreign] A[ffairs] said that he thought this suggestion on the part of Russia for further agreement was the outcome of the false rumours which were rife last November regarding trouble between Japan & Russia which so annoyed Mr. Isvolski (see your telegram No. 41 of last year).*

[This telegram was repeated to St. Petersburg, Secret.]

⁽¹⁾ [v. immediately preceding document.]

* Agitation in Russian press in regard to supposed aggressive intentions of Japan against Russia—M. Isvolsky asked for our help in London or at Tokio to dispel reports. We obtained a message from the Japanese Gov[ernmen]t for comm[unicatio]n to the Russian Gov[ernmen]t and inserted a communiqué in the press here.—B. A. [Sir Edward Grey's telegram No. 41 to Tôkiô repeated Sir A. Nicolson's telegram No. 505 of December 9, v. *supra*, p. 472, No. 370.]

No. 383.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/920.

23563/2667/10/23.

(No. 107.) Secret.

Sir,

Foreign Office, June 28, 1910.

The Japanese Ambassador read to me to-day an instruction from his Government. The gist of it was that the Russian and Japanese Governments, being desirous of contributing to enduring peace in the Far East, and being impressed by the satisfactory working of the Agreement which they had made on the 30th July 1907,⁽¹⁾ had decided to make two further Agreements, the one ostensible and the other secret, of which the Ambassador was instructed to communicate to me the drafts before they were signed. The Japanese Government thought that the Agreements contained nothing which could be hurtful to our interest. In view of the Alliance, they thought it right to communicate to us Agreements which affected the region covered by the Alliance. The Ambassador then gave me the text of the two Agreements.

I read the text, and then asked him to thank Count Komura for having made this communication to me. I said that we had seen with satisfaction the increasingly

⁽¹⁾ [The public part of this Agreement is printed in *Martens, 3me Série, Vol. I, pp. 7-8. cp. Gooch & Temperley, Vol. IV, pp. 285-6, Ed. note.*]

good relations between Japan and Russia, and we should welcome anything which strengthened these good relations and made for peace, so long as it did not impair the "open door" in Manchuria for our commerce, which was our main interest. I should like to study carefully the provisions of the new Agreements, but as far as I could judge from a first reading there was nothing in them to impair the "open door."

[I am, &c.]

E. G[REY].

Enclosure in No. 383.

Papers communicated by Baron Kato, June 28, 1910.

(1.)

(Translation.)

Convention between Japan and Russia.(²)

(Confidential.)

The Imperial Government of Japan and the Imperial Government of Russia sincerely attached to the principles established by the convention concluded between them on the 30th (17th) July, 1907, and desirous to develop the effects of that convention, with a view to the consolidation of peace in the Far East, have agreed to complete the said arrangement by the following provisions:—

Article 1. With the object of facilitating the communication and developing the commerce of nations, the two High Contracting Parties mutually engage to lend to each other their friendly co-operation, with a view to the amelioration of their respective railway lines in Manchuria and the improvement of the connecting service of the said railways and to abstain from all competition prejudicial to the realization of this object.

Article 2. Each of the High Contracting Parties engages to maintain and respect the status quo in Manchuria resulting from the treaties, conventions and other arrangements concluded up to this day between Japan and Russia, or between either of these two Powers and China. Copies of the aforesaid arrangements have been exchanged between Japan and Russia.

Article 3. In case that any event arises of a nature to menace the status quo above mentioned, the two High Contracting Parties shall in each case enter into communication with each other in order to arrive at an understanding as to the measures they may judge it necessary to take for the maintenance of the said status quo.

(2.)

(Translation.)

Secret Convention between Japan and Russia.

(Confidential.)

The Imperial Government of Japan and the Imperial Government of Russia being desirous to consolidate and develop the provisions of the secret convention signed in St. Petersburg on the 30th (17th) July, 1907, have agreed as follows:—

Article 1. Japan and Russia recognise as delimiting the respective spheres of their special interests in Manchuria, the line of demarcation fixed by the additional article of the secret convention of 1907.

Article 2. The two High Contracting Parties engage reciprocally to respect the special interests in the spheres above indicated. They consequently recognise the right each in its sphere freely to take all measures necessary to safeguard and defend such interests.

Article 3. Each of the two High Contracting Parties engages not to obstruct in any manner the consolidation and development of the special interests of the other party in the limits of the sphere above mentioned.

Article 4. Each of the two High Contracting Parties engages to abstain from all political activities in the sphere of special interests of the other in Manchuria. It is,

(²) [Printed in *Martens, 3me Série*, Vol. III, pp. 753-4.]

moreover, understood that Japan shall not seek for in the Russian sphere and Russia shall not seek for in the Japanese sphere any privilege or concession of a nature to bring prejudice to the special interests of each other and that the two Governments of Japan and Russia shall each respect all rights acquired by the other in its sphere by virtue of the treaties, conventions or other arrangements in the Article 2 of the ostensible convention of this day.

Article 5. In order to insure the satisfactory working of their reciprocal engagements, the two High Contracting parties shall from time to time enter frankly and loyally into communication in all that concerns the affairs touching in common their special interests in Manchuria.

In case those special interests are menaced, the two High Contracting Parties shall concert with each other upon the measures to be taken in view of common action or support to be lent to each other in order to safeguard and defend those interests.

Article 6. The present convention shall be strictly confidential between the two High Contracting Parties.

No. 384.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/920.

23470/2667/10/23.

Tel. (No. 16.) Secret.

Foreign Office, June 30, 1910.

D. 5·20 P.M.

Your tel[egram] No. 24 Secret (of June 29⁽¹⁾)—Russo-Japanese draft Conventions).

Copies of the drafts were communicated to me by the Russian and Japanese Ambassadors on 28th inst[ant].⁽²⁾ In thanking latter I expressed satisfaction of H[is] M[ajesty's] G[overnment] at increasing good relations between Japan and Russia, and at anything which strengthened these and made for peace—so long as it did not impair the 'open door' in Manchuria for our commerce. This is our main interest and it appears to be guaranteed by the provision for the maintenance of the status quo. It would be satisfactory if you would elicit an assurance from M[inister for] F[oreign] A[ffairs] that this is so.

(1) [Not reproduced. It stated that copies of the Convention and Secret Convention between Japan and Russia had been telegraphed to London for communication to His Majesty's Government. It stated further that these Conventions would probably be signed in the following week. The first Convention would then be communicated to the Powers, the second Convention being communicated only to the Governments of France and England. (F.O. 371/920. 23470/2667/10/23.)]

(2) [v. immediately preceding document. The Russian communication was made on the same date as the Japanese. It comprised a copy of a letter from M. Isvolski to Count Benckendorff (whose substance was the same as the instruction read by Baron Kato (*v. supra*, p. 480, No. 383, para. 1) and the two texts which were given in French, but did not differ otherwise from those communicated by Japan. F.O. 371/920. 23407/2667/10/23.]

No. 385.

Sir C. MacDonald to Sir Edward Grey.⁽¹⁾

F.O. 371/920.

23696/2667/10/23.

Tel. (No. 25.) Secret.

Tôkiô, July 1, 1910.

D. 6·10 P.M.

R. 5·45 P.M.

Your telegram No. 16 of yesterday.⁽²⁾

Japanese Minister for Foreign Affairs, in speaking to me to-day of the conventions to be signed next week at St. Petersburg between Russia and Japan, begged me to

(1) [This telegram was repeated to St. Petersburg as No. 357.]

(2) [v. immediately preceding document.]

assure you that Japanese Government have no intention of departing from policy of open door in China, which policy they have frequently declared to the Powers.

His Excellency further pointed out that the convention which is to be published, in addition to the provision for the maintenance of the *status quo*, declares in the preamble that the two Governments of Russia and Japan are "sincerely attached to the principles established by the convention concluded between them in July 1907," and that article 2 of this latter convention lays down that the two Governments "agree to recognise the independence and the territorial integrity of the Chinese Empire and the principle of equal opportunity for the commerce and industry of all nations in the said Empire."

No. 386.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/920.

27557/2667/10/23.

(No. 158.) Secret.

Sir,

Tôkiô, D. July 2; 1910.

R. July 30, 1910.

The Minister for Foreign Affairs handed to me on the 29th ultimo, copies of two draft Conventions arrived at between Japan and Russia, which will be signed at St. Petersburg next week. In doing so His Excellency informed me that on the 28th of June the two drafts had been telegraphed *in extenso* to the Japanese Ambassador in London, with instructions that they should be submitted to you for the information of His Majesty's Government. These two Conventions are the outcome of negotiations which, as you are aware, have been proceeding in St. Petersburg since last April.

Count Komura informed me that it was the earnest wish of the Japanese Government that these arrangements should meet with the approval of the British Government and that they might by them be considered as further guarantees for the maintenance of peace in the Far East. His Excellency pointed out that the Convention referred to in the secret one as the "ostensible Convention" would be published as soon as signed. It dealt mainly with the question of railways in Manchuria, and the maintenance of the 'Status Quo' in that province. This Railway arrangement had been found necessary as the respective Railway interests in Manchuria were not altogether in harmony and a third separate and technical arrangement with regard to freight, schedules, and connection of traffic, which it was hoped would result in a smoother working of the same, had been entered into between the two Railway administrations, and which I understood would be published later.

The Secret Convention was an amplification of the one already in existence, and was designed to indicate clearly the respective spheres of interest of the two Powers in Manchuria. It was from the possible clashing of these interests that danger might have arisen and it was hoped that as a thorough understanding had now been arrived at the possibilities of trouble would be greatly minimised if not altogether done away with.

Count Komura seemed very anxious to have an expression of opinion from you with regard to these two Conventions, and I promised to telegraph without delay and endeavour to obtain one.

His Excellency is, as you are aware, not at any time very communicative, he informed me however that the Japanese Cabinet were satisfied with the Conventions already in existence between Japan and Russia, but that the Russian Government were anxious to consolidate the "entente," which was arising between the two Powers, the said "entente" being a reflex of the similar feeling which had so happily sprung up between England and France, the respective Allies of the two Powers. The

Japanese Government recognised that if trouble came, it would come from Manchuria, and therefore anything that tended to maintain "the status quo" there was welcome in the interests of peace. He also thought that the "ostensible convention" would go far to allay a certain amount of suspicion as to Japanese intentions which existed among the more ignorant section of the Russian people and which had caused M. Iswolsky considerable concern last autumn.

I telegraphed to you the same day (my telegram June 29 No. 24 Secret⁽¹⁾) reporting the fact that copies of the draft conventions had been handed to me by Count Komura, and that the Japanese Government trusted that His Majesty's Government would see in them further guarantees for the maintenance of peace in the Far East.

On the following day I had a long visit from the Russian Ambassador M. Malevsky Malevitch who informed me, amongst other things of no particular importance, that the details of the two arrangements had been drawn up in St. Petersburg; he personally had simply smoothed matters in Tokio. The wish for conventions amplifying those already in existence between the two countries, His Excellency said, came from Japan! Ever since he had been at this post various Japanese Statesmen including Prince Yamagata and the late Prince Ito had at various times suggested to him the advisability of making an "Alliance" with Japan, "not Count Komura because he understands better and is more correct, but many of the others. An Alliance is impossible so soon after the war but I saw no objections to these conventions." His Excellency went on to say that personally he was averse to secret instruments, and as a matter of fact there was nothing important or secret in the so-called secret convention except the line of demarcation which divided the two spheres of interest in North Manchuria.

On the 1st July I received your telegram No. 16 Secret of the 30th of June⁽²⁾ stating that the Japanese Representative in London had handed you copies of the draft Conventions and that you had expressed the satisfaction of His Majesty's Government at the increasing good relations between Japan and Russia, and at anything which strengthened these relations, and made for peace, so long as it did not impair the "open door" for British Commerce in Manchuria. You added that it would be satisfactory if I could elicit an assurance from Count Komura that this was so.

I saw His Excellency the same afternoon and addressed to him the identical words you used in speaking to the Japanese Ambassador as stated above:—these Count Komura wrote down as I said them. I mention this as it is the first time that I have known him do this and as his memory is an excellent one, it would seem that he attached very considerable importance to an expression of opinion from His Majesty's Government, and the form in which it was given. I then mentioned that, with regard to what you had said about the open door policy, it would, I thought, give considerable satisfaction to my Government if His Excellency could give me an assurance that neither of the conventions would impair the open door for British commerce in Manchuria. His Excellency at once begged me to assure you that the Japanese Government had no intention whatever of departing from the policy of the open door, a policy which they had on more than one occasion declared to be theirs, to all the Great Powers.

Count Komura further pointed out that the "ostensible Convention" laid down in the preamble that the signatory Governments were "sincerely attached to the principles established by the Convention of 1907" and that the 1907 convention, in Article II, clearly stated that Russia and Japan "agreed to recognise the principle of equal opportunity for the commerce and industry of all nations in the Chinese Empire." Besides this the draft Convention contained a provision for the maintenance of the "status quo" in Manchuria.

(1) [Not reproduced as the contents are sufficiently indicated above.]

(2) [*v. supra*, p. 482. No. 384.]

I had the honour the same afternoon to telegraph the above to you (my telegram No. 25 Secret).⁽³⁾

In the course of further conversations with Count Komura, and in reply to my enquiries, His Excellency gave it as his opinion that though the policy instituted by Mr. Knox of attempting an internationalization of Railways in Manchuria and American policy in China generally had undoubtedly assisted in bringing about this better understanding between Russia and Japan, the Conventions would have been arranged nevertheless, for Russia was very anxious that they should be—which does not however bear out M. Malevitch's statements. I mentioned that the Russian Ambassador had said to me that there was nothing particularly secret or important in the "secret convention." Count Komura at once said "except the line of demarcation which is most important" adding with a laugh "and will become more so when Russia is stronger and ready to go to war again"—from which it may be inferred that conventions or no conventions the two Powers will keep a pretty sharp look out one upon the other. I think there can be no doubt but that Japan by these arrangements has very largely strengthened and consolidated her position in Manchuria. Further it will be seen on studying the line of demarcation of which mention has been made that it includes in the Japanese sphere of interest practically the whole of the province, which now by the terms of the Secret Convention is specially guarded against the "political activities" and the attempt to "obtain privileges or concessions" on the part of Russia, the Power most likely, owing to geographical and other reasons, to attempt such enterprises.

I enclose copies of the Draft Conventions as handed to me by Count Komura.⁽⁴⁾

I have, &c.

CLAUDE C. MACDONALD.

MINUTES.

Count Komura told Sir C. MacDonald that the Japanese Gov[ernmen]t were satisfied with the conventions already in existence between Russia and Japan but that the former wished to consolidate the "entente." The Russian Ambassador however said that the overtures had first come from Tokio. I annex the secret article in the 1907 convention defining the Russian and Japanese spheres of influence in Manchuria referred to in the Despatch.

R. H. G.

Whatever the Japanese may say there can be little doubt that the policy adopted by the U[nited] S[tates of] A[merica] in China hastened if it did not bring about this arrangement.

W. L.

E. G.

Article Additionnel.

La ligne de démarcation entre la Mandchourie du Nord et la Mandchourie du Sud mentionnée dans l'article I de la présente convention est établie comme suit :

Partant du point nord ouest de la frontière russo-coréenne et formant une succession de lignes droites, la ligne va en passant par Hanchow et la pointe de l'extrémité Nord du lac de Pirteng à Hsui-chui-chan; de là elle suit la Sungari jusqu'à l'embouchure du Nunkiang, pour remonter ensuite le cours de ce fleuve jusqu'à l'embouchure du fleuve Tolako. A partir de ce point la ligne suit le cours de ce fleuve jusqu'à son intersection avec la 122 méridien est de Greenwich.

⁽³⁾ [v. immediately preceding document.]

⁽⁴⁾ [Not reproduced, these draft Conventions are identical with the drafts read to Sir Edward Grey by the Japanese Ambassador on June 28, v. *supra*, pp. 481-2, No. 383, *encl.*]

No. 387.

Sir Edward Grey to Sir A. Nicolson.

F.O. 371/920.
24820/2667/10/23.
(No. 192.)

Sir,

Foreign Office, July 6, 1910.

Count Benckendorff asked me to-day whether I had considered the text of the Russo-Japanese Agreement.⁽¹⁾

I replied that I had done so, and I still felt about it as I had at first. I was very glad to see good relations confirmed between Russia and Japan, provided of course that the Agreement maintained, as I understood it did, the "open door."

I then told Count Benckendorff about the enquiry which the United States' Ambassador had made to-day, and the answer I had given (see my despatch No. 215 of July 6)⁽²⁾ of which a copy is herewith enclosed.

[I am, &c.]
E. G[REY].

⁽¹⁾ [*v. supra*, pp. 481-2, No. 383, *encl.*]
⁽²⁾ [*v. immediately succeeding document.*]

No. 388.

Sir Edward Grey to Mr. Bryce.

F.O. 371/920.
24819/2667/10/23.
(No. 215.)

Sir,

Foreign Office, July 6, 1910.

The United States Ambassador to-day referred to an account which had been sent from Paris to "The Times" as to a Russo-Japanese Agreement. He asked me whether we were a party to it, and whether I knew its terms.

I replied that I was not in any way a party to it, but I did know about it, and according to the information which I had the account given of the Agreement in "The Times" was substantially correct.

The Ambassador then asked what was my view of it.

I answered that I was very glad of it, because it confirmed good relations between Russia and Japan, and thereby afforded the greatest possible security for the maintenance of peace in the Far East. The preservation of the "open door" was, of course, a necessary condition for our goodwill towards any such Agreement. I understood that the "open door" was preserved, for the Agreement maintained the "status quo," which included the "open door." The actual leases of the railways were part of the "status quo" as laid down by the Treaty of Portsmouth, and they were not an infringement of the "open door" so long as no preferential treatment was given to the trade of one country upon them.

[I am, &c.]
E. G[REY].

No. 389.

Sir E. Goschen to Sir Edward Grey.

F.O. 371/920.
25796/2667/10/23.
(No. 199.)

Sir,

*Berlin, D. July 13, 1910.**R. July 18, 1910.*

The signature of the treaty between Russia and Japan has as yet been treated with considerable reserve by the semi-official Press. The more independent newspapers,

apart from some wild writing when the news of the trea[t]y first arrived, have also been reticent as to how the treaty will affect, and how it will be regarded by, Germany and have apparently settled down to attempts to provoke criticisms from other countries rather than to commit themselves at this early stage to any decided criticisms of their own.

The only article which as yet shows any signs of official inspiration is one published in the "Kölnische Zeitung." This article states that if the treaty has its origin in a desire on the part of the two Signatory Powers to avoid all causes for friction with regard to their spheres of influence and action as laid down in the Treaty of Portsmouth, then it must be regarded as a guarantee of peace in East Asia for some time to come, and as such cannot fail to be heartily welcome in Germany. That, however, it adds, is only the political aspect of the Treaty, and its effect upon the economic interests of other Powers remains to be seen. Judgment on this point must be suspended until the publication of the full text of the Treaty. In this connection it points out that while German interests in Manchuria, which are at present of no great importance, may not be directly affected, the manner in which the Treaty will be regarded by China, whose interests in Manchuria are on the contrary highly important, cannot be a matter of indifference to German commercial circles. . . .⁽¹⁾

The article in conclusion scoffs at the idea prevailing in the French press that the treaty gives Russia a free hand in Europe and will enable her to pursue a more active and energetic policy in the Balkans and the Near East generally.

Since writing the above the text of the treaty has been communicated by the Russian and Japanese Ambassadors to the Secretary of State for Foreign Affairs. The two Ambassadors, in making the communication, remarked, according to the "Norddeutsche Allgemeine Zeitung," and the new treaty was the complement of the Russo-Japanese Agreement of 1907 and constituted a further guarantee for the maintenance of the status quo and of peace in the Far East. They also pointed out that the principle of the Open Door remained unimpaired. The semi-official paper adds that Freiherr von Schoen, in thanking Their Excellencies for the communication, gave expression to the hope that the principles of the Open Door, so important to Germany in the pursuit of her economic aims in the Far East, would be maintained.

Yours, etc.

W. E. GOSCHEN.

⁽¹⁾ [The omitted passages give summaries of press articles.]

III.—THE ANNEXATION OF COREA.

[ED. NOTE.—The subject of this section is treated in *G.P.* XXXII, ch. 252.]

No. 390.

Sir A. Nicolson to Sir Edward Grey.⁽¹⁾

F.O. 371/920.

16850/2667/10/23.

Tel. (No. 148.)

Japan and Russia.

St. Petersburg, May 12, 1910.

R. 10 P.M.

I asked M. Isvolsky today whether he had opened discussions with Japanese Ambassador. He said that he had had only one general conversation. He was much preoccupied as to Japanese intentions with regard to Corea, and he feared that annexation might shortly take place. Such a step, he said, would produce a most deplorable effect here. It was true that Japanese Ambassador said they had no

⁽¹⁾ [This telegram was repeated to Tôkiô as No. 13.]

intention of carrying out annexation, but they qualified denial by remarks that it would have to come some day; that it was a question of national sentiment, &c. I observed that I could hardly imagine that just at the moment when Japan desired establishment of closer relations with Russia she should contemplate a step which would probably upset all possible arrangements. He recommended me to speak to Japanese Ambassador, and I would see how his attitude would change if Corea were mentioned. M. Isvolsky said he was most uneasy on the subject.

MINUTES.

Our latest information from Tokio (which was dated December 17-09-2668)⁽²⁾ on the subject of annexation was that the present Gov[ernmen]t and general public were strongly opposed to any change of policy towards Corea and that we might rest assured that the status quo would be maintained at any rate for some time to come.

There can, however, be no doubt that annexation will come whenever the Japanese consider the moment opportune or that circ[umstance]s require it.

Repeat to Tokio. Secret.

B. A.

13/5.

Japan may well be shy when Corea is mentioned in discussions respecting an Agreement. They will not consent to have their hands tied even though they may have no immediate intention to annex.

W. L.

C. H.

I think they have no immediate intention. I haven't seen the Japanese Ambassador for some time. He might be asked to call next week.*

E. G.

14.5.10.

* I am asking Japanese Amb[assado]r to call on May 19.

W. T.

⁽²⁾ [Not reproduced as the contents are sufficiently indicated above. (F.O. 371/877. 2668/988/09/12.)]

No. 391.

Sir C. MacDonald to Sir Edward Grey.⁽¹⁾

F.O. 371/877.

17940/988/10/12.

Tel. (No. 20.) Confidential.

Japan and Russia.

Sir A. Nicolson's telegram No. 148.⁽²⁾

At Japanese Minister for Foreign Affairs' reception to-day I sounded him confidentially on the subject of the possibility of the annexation of Corea by Japan, with regard to which mention has recently been made in Japanese press on several occasions.

His Excellency said that annexation undoubtedly was the only possible sequel to the present policy of protection. He could, however, assure me that Japanese Government had not yet decided upon the date on which such annexation would take place. I ventured to suggest that the present time seemed to me particularly inopportune, for Japan was trying to come to a closer understanding with Russia; also annexation now would lend colour to the statements which had been made in America and elsewhere with regard to Japanese refusal to consider question of internationalisation of certain railways in Manchuria.

I also thought that annexation at the present time would be a source of some embarrassment to His Majesty's Government. Japanese Minister for Foreign Affairs replied that Russian Government had, during the negotiations for the convention of 1907, definitely acquiesced in the eventual annexation of Corea by Japan, and added, "I do not think any of the other Powers will object."

⁽¹⁾ [This telegram was repeated to St. Petersburg as No. 150.]

⁽²⁾ [v. immediately preceding document.]

I pressed his Excellency as to the date on which annexation would take place; he repeated that this had not been decided on, but when it was His Majesty's Government would at once be informed, and he could assure me that Japan would arrange it so as not to cause her ally any embarrassment.

Owing to illness Viscount Sone will vacate post of resident-general, which, as a temporary measure, will be held by General Terauchi, Minister of War.

MINUTES.

This does not look like any immediate intention to annex Corea—and apparently the Russian Gov[ernmen]t have definitely acquiesced in the eventual step.

Figures by post to St. Petersburg.

B. F. A.
21/5/10.

But it is a good deal more definite than anything the Japanese have said before, and they evidently do not mean to wait very long.

F. A. C.
21/5.
C. H.
E. G.

No. 392.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/877.
26243/988/10/12.
(No. 116.)

Sir, *Foreign Office, July 14, 1910.*

I said to the Japanese Ambassador to-day that I understood Japan desired to annex Corea at an opportune moment, but that no definite decision had yet been come to. Before any decision was taken, I wished the Japanese Government to weigh very carefully certain considerations which I would put before the Ambassador.

We did not wish to oppose in any way the consolidation and strengthening of the Japanese position in Corea. But on economic grounds the application of the Japanese Tariff to Corea would raise considerable feeling here.

When France established her Protectorate in Madagascar, the French Government had informed us that this would not change the Treaties which existed between Madagascar and other States. Subsequently the French Government had declared the island to be a French Colony, and they had applied the French Tariff. It was true that annexation, as a general rule, put an end to the Treaties existing with the State which was annexed. But, in the case of Madagascar, we had contended that the French had come under an obligation not to interfere with our commercial Treaty rights, and ought not to interfere with them without our consent. The French had not admitted this view, but we had pressed it.

The case of Corea was very similar. In taking charge of Corea, the Japanese had made the following declaration:—

“ In bringing this Agreement to the notice of the Powers having Treaties with Corea, the Imperial Government declare that, in assuming charge of the foreign relations of Corea and undertaking the duty of watching over the execution of the existing Treaties of that Country, they will see that those Treaties are maintained and respected, and they also engage not to prejudice in any way the legitimate, commercial and industrial interests of those Powers in Corea.”⁽¹⁾

If Japan now annexed Corea, France was no doubt debarred from appealing to us to join in a protest on economic grounds by the fact that she had rejected our view

⁽¹⁾ [*cp. Gooch & Temperley, Vol. IV, p. 119, No. 109. The declaration was made on November 23, 1905. The text is in F.O. Japan 600 and the above is an accurate quotation.*]

of the case of Madagascar. But the United States and European Countries other than France might appeal to us to join them in a protest, having regard to the action we had taken respecting Madagascar. This would place me in a very difficult position: for not only was I anxious not to join other Powers in opposing any action taken by Japan, but I wished to be able to support her action.

I then pointed out that in our administration of Zanzibar, over which we had a Protectorate, we were hampered by foreign Treaties, in the same way as Japan was hampered in Corea; but we had hitherto not thought it worth while to create friction with other Powers by annexing Zanzibar, and declaring that these treaties were at an end. Certainly, Corea was more important to Japan than Zanzibar was to us: but I wished the Japanese Government to consider very carefully whether the moment was opportune for annexing Corea, when the increase of the Japanese Tariff was already exciting the susceptibilities of other Powers on economic grounds. In any case, I hoped that the Japanese Government, whenever they annexed Corea, would, by stating that they would maintain for a long term of years the present Tariff of Corea as guaranteed by Treaties, prevent the British Government from being placed in the difficult position which I had explained.

The Ambassador asked whether, if this economic point were safeguarded, we would be prepared to agree to the annexation?

I replied that I had not yet considered the annexation from the point of view of extra-territoriality, and I should like to do this before answering his question. But the economic point was of such great importance that I had thought it well to speak to him about it before anything was settled.

The Ambassador asked me whether any other Power had yet mentioned the subject of the annexation of Corea to me.

I answered that no other Power had so far mentioned the subject to me and I was very glad to have been given the opportunity of speaking to him on the subject before any one else had approached me with regard to it.⁽¹⁾

[I am, &c.]
E. G[REY].

⁽¹⁾ [Marginal comment by Sir Edward Grey: "Paragraphs 2, 3, 4 and 5 should be summarised in a telegram to Sir C. MacDonald." v. immediately succeeding document.]

No. 393.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/877.

26243/988/10/12.

Tel. (No. 21.) R.

Foreign Office, July 19, 1910.

D. 4.10 P.M.

Your tel[egram] No. 29 (of July 10.⁽¹⁾ Annexation of Corea).

I informed the Japanese Ambassador on the 14th inst[ant] that the application of the Japanese tariff to Corea will on economic grounds raise considerable feeling here.⁽²⁾

When France established her Protectorate over Madagascar the French Gov[ernmen]t informed us that this would not change existing Treaties with other States, and on annexation we contended that they were under an obligation not to interfere with our existing commercial treaty rights, but the French would not admit this view.

The case of Corea was very similar as the Japanese Gov[ernmen]t, in taking charge, undertook on November 23, 1905, to maintain and respect the treaties of that country with other Powers.

France was no doubt debarred from appealing to us to join in a protest on economic grounds by fact of rejecting our view as to Madagascar but the U[nited]

⁽¹⁾ [Not reproduced. The contents of this telegram (F.O. 371/877. 24838/988/10/12) are given more fully in Sir C. MacDonald's despatch No. 172 Confidential of July 22, 1910. v. *infra*, pp. 493-5, No. 396.]

⁽²⁾ [v. immediately preceding document.]

S[tates] and European countries other than France might, having regard to our action respecting Madagascar, appeal to us to join them in protesting against Japan's proposed action in Corea. This would place me in a difficult position for not only was I anxious not to join with other Powers in opposing any action taken by Japan but I wished to be able to support her as far as possible.

(Despatch by Siberia.)

No. 394.

Sir Edward Grey to Sir C. MacDonald.(¹)

F.O. 371/877.

26687/988/10/12.

(No. 122.) Secret.

Sir,

Foreign Office, July 19, 1910.

The Japanese Ambassador informed me to-day that Count Komura very much appreciated what I had said with regard to the possible annexation of Corea. Count Komura had intended to give me exact information when the time came for annexation to be decided upon. This time had not yet arrived, but as I had raised the question he wished now to explain matters to me.

The policy of Japan was to preserve the peace of the East and to secure the safety of Japan. Corea had frequently been the cause of disturbances, and had compelled Japan to fight. The peace of the East and the tranquillity of Corea were so important to Japan that she had found it necessary to establish a protectorate to improve the state of Corea, and for four years she had worked at this improvement. Nevertheless, tranquillity was not yet established; and the people of Corea looked upon things as being in a temporary condition, and were unsettled. The Japanese Government had therefore decided that it was necessary to introduce radical reforms to prevent future difficulties. They had come to the conclusion that Corea must be annexed.

When annexation took place, Corea would become part of Japan, and the Treaties between Corea and other countries would be extinguished. But Japan had in view the economic interests of Powers who had Treaties with Corea, and she desired to preserve their "status quo" in economic matters. When therefore the time came to annex Corea, Japan would be ready to make a declaration which would include the three following points:—

- 1.—The import and export duties at Corean ports and the tonnage duties on shipping would be maintained at existing rates for the present. The Customs laws of Japan would be applied to Corea. Exports from Corea to Japan, imports from Japan to Corea, and Japanese shipping would be subject to the same rates in Corean ports for the present as applied to foreign goods and shipping.
- 2.—Existing open ports of Corea would be maintained as such, except Basan,—which he thought we called Masampho. In addition, Wiju would be opened.
- 3.—Coasting trade between the open ports of Corea and with Japanese ports would be allowed to foreign shipping for the present.

As Japan will respect the economic interests of other Powers, she expects that the effect of annexation upon their interests will not be material. The annexation of Corea is indispensable to Japan, and the Japanese Government therefore hope that H[is] M[ajesty's] Government will not raise any objection.

The Japanese Ambassador explained to me that all this was to be kept strictly secret for the present, as his Government had not intended to say anything so soon. In view, however, of the Alliance between the two countries, and of the conversation which had taken place between myself and the Japanese Ambassador the other day,⁽²⁾

(¹) [Sir Edward Grey's telegram to Sir C. MacDonald No. 22, secret, of July 23, D. 12.5 P.M., summarised the contents of this despatch. F.O. 371/877. 26687/988/10/12.]

(²) [*v. supra*, pp. 489-90, No. 392.]

Count Komura now gave this information in strict confidence, hoping that we should appreciate his motive in doing so in advance.

I observed that the term "for the present" was very indefinite in its application to the maintenance of existing economic conditions.

The Ambassador replied that it was difficult for his Government to fix a definite period during which the present economic state of affairs should continue; but his Government would be willing to give a guarantee that the period would be a considerable one, and not merely a period of one or two years.

I asked the Ambassador to thank Count Komura for having replied so promptly to the considerations which I had brought forward the other day. I added that this question of annexation was a very large one, and I should have to take a little time to consider the communication which he had made to me.

[I am, &c.]

E. G[REY].

MINUTES.

In view of the fact that the Japanese Government have not named any definite period for the continuance of the present economic conditions, it will be well that we should look into such precedents as may exist, and form our own opinion as to what period of years would be a reasonable one to secure our economic interests, assuming that we concede the question of principle.

E. G.

The intention of the Japanese Gov[ernment] to make a declaration to the Powers, previous to annexing Corea, that the existing tariffs between Corea and the Powers and certain other privileges enjoyed by the Powers in Corea will continue in force for a considerable time after the annexation is purely an act of grace on the part of that Gov[ernment]; for, as I have shown in my Memo[randum] of the 6th inst[ant],⁽²⁾ on the absorption of one State by another, all the Treaties between the absorbed State and Foreign Powers come to an end, and, consequently, all the rights and privileges enjoyed by those Powers under those treaties cease and determine.

Before we annexed Burmah the French had the right under a treaty with that country of appointing a Consul at Mandalay. After the annexation the condition of Burmah was assimilated to that of India, where it is the rule that exequaturs are only granted to Foreign Consuls at Seaport towns; and, Mandalay not being a Seaport, the exequatur to the French Consul at that place was not renewed.

G. de B.

27.vii.10.

(²) [Not reproduced.]

No. 395.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/877.

Tôkiô, July 21, 1910.

26451/988/10/12.

D. 2·0 P.M.

Tel. (No. 31.) Confidential.

R. 2·15 P.M.

Your telegram No. 21⁽¹⁾ and my telegram No. 29.⁽²⁾ Annexation of Corea. Japanese M[inister for] F[oreign] A[ffairs] informs me that he instructed their Representative in London to tell you that Japanese Gov[ernment] will previous to annexation make a declaration to the powers concerned on three points: 1. that existing tariffs between Corea and the powers will continue in force for a considerable time.

2. that the coasting trade between Corean ports will continue as also coasting trade between Corea and Japanese ports,

3. that all existing open ports will be left open with the exception of Masampho while a new open port will be made at Shinwiju.

(¹) [*v. supra*, pp. 490-1, No. 393.]

(²) [Not reproduced. The contents of this telegram (F.O. 371/877. 24838/988/10/12) are given in greater detail in the immediately succeeding document.]

H[is] E[xcellency] further added that all commercial, industrial and property rights, mining and land ownership, foreign settlements and perpetual leases therein would not immediately be disturbed by annexation but would form subject of later discussion with powers.

On the other hand annexation would put an end to all treaties between Corea and foreign powers and to extra-territorial jurisdiction.

I said that I thought that it was very important that we should know definitely how long present Korean tariff would remain in force. After considerable discussion H[is] E[xcellency] said that if approached by British Gov[ernment]t Japanese Gov[ernment]t would, he thought, fix terms of years provided it was not too long.

Very confidential. I venture to think that we might act on this statement and ask for ten years.

MINUTE.

The Japanese Ambassador has asked me if possible to let him have a reply this week. We must therefore review the whole question at once. It would not be necessary to decide even in our own minds the exact term of years, but we must decide whether in principle we will agree to annexation and all that it implies in return for economic terms.

E. G.

No. 396.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/878.

28688/988/10/12.

(No. 172.) Confidential.

Sir,

Tôkiô, D. July 22, 1910.

R. August 8, 1910.

I made an appointment with the Minister for Foreign Affairs yesterday in order to elicit if possible the intentions of the Japanese Government on certain points closely connected with British interests in Corea, which might be seriously affected by the now imminent annexation of that Empire to Japan. I had already, on the 10th instant, pressed the Minister for Foreign Affairs with regard to the most important of these interests, namely, the continuance or otherwise of the present Customs Tariff between Great Britain and Corea, and had elicited from His Excellency that the Japanese Government had decided to continue this tariff in force for "a considerable time"; after much pressing Count Komura said that at any rate it would remain in force for "three years, perhaps longer." This information I had the honour to telegraph to you on the 10th instant in my telegram Number 29.⁽¹⁾

In a telegram which I received on the 15th instant⁽²⁾ from His Majesty's Consul-General in Seoul, Mr. Bonar pointed out the dangers which would most probably ensue, from the somewhat complicated legislation now existing in Corea, to British rights in property, mines, missions etc., which would follow on annexation, and suggested that His Majesty's Government should enter into a special convention with the Japanese Government confirming all property and industrial rights acquired by British subjects in Corea and guaranteeing fresh acquisition of similar rights in future.

In his despatches to you, copies of which have been sent to this Embassy, particularly in Nos. 35 and 41,⁽³⁾ Mr. Bonar has dealt with the question of the annexation of Corea by Japan in a very exhaustive, and, I venture to think, very able manner. I am in accord with all that Mr. Bonar says with one slight exception. I do not for one moment think that a foreigner would ever be confined in a Korean prison; further, the state of these prisons, admittedly deplorable, is the result of

⁽¹⁾ [Not reproduced. The contents of the telegram (F.O. 371/877. 24838/988/10/12) are given in greater detail in the above despatch.]

⁽²⁾ [Not reproduced as the contents are sufficiently indicated above.]

⁽³⁾ [Not reproduced. Mr. Bonar's despatch No. 35 deals with the various Consular changes anticipated at Seoul. In his despatch No. 41 he describes two Consular tours made in the South and North of Corea.]

Corean administration in the past, which state the Japanese are trying hard and with great success to rectify.⁽⁴⁾ I have no doubt whatever but that in the course of a few years the prisons in Corea will be the same models of cleanliness, efficiency and discipline as those which have replaced the Chinese "black holes" of Formosa.

On the day previous to that which had been fixed for my interview with Count Komura, I received your telegram No. 21⁽⁵⁾ telling me that you had on the 14th instant informed the Japanese Ambassador in London that the Japanese Tariff if applied to Korea after annexation would create very bad feeling in England, and you pointed out to His Excellency that the case of the annexation of Madagascar by the French was very similar to the one contemplated now by Japan, and that as His Majesty's Government had protested against the French annexation you would be placed in a difficult position if you were appealed to by any of the Powers to join in a protest against Japan's proposed action in Corea, a step you were in no wise anxious to take, for as far as possible you wished to be able to support her.

Count Komura at once commenced our interview by informing me that he had heard from the Japanese Ambassador of your interview with him on the 14th, and he was grateful for your friendly desire to support Japan. He had however been carefully studying the case of Madagascar but it did not appear to him that the two cases were similar. Also the French had imposed a special tariff admitting their own articles at a low rate and severely penalizing the products of other nations especially those of England. This tariff we had been compelled to accept; moreover our protest against the annexation of Madagascar had been of no avail.

His Excellency then proceeded to tell me as he had on the previous occasion I have mentioned, that the Japanese Government did not intend to alter the existing tariff for "a considerable time" after the annexation, and further stated that when the annexation was announced Japan would make a declaration to the Powers concerned on three points which he then proceeded to enumerate; later in the day His Excellency sent me by the hand of the Head of the Juridical Bureau of the Foreign Office a statement of these points. A copy of this statement I have the hono[u]r to enclose. You will see that it deals (1.) with the tariff and tonnage dues which "for the time being" were to remain the same as at present, (2.) the open ports in Corea are to remain open with the exception of Masampo for which the port of Shin Wiju was to be substituted, and (3.) the coasting trade which "for the present" was to remain the same. Count Komura further said that Japan would make a general declaration to the above effect, but that to Great Britain she would, if desired, give specific assurances on these points but to no other Powers.⁽⁶⁾ I then pointed out that in addition to the above mentioned it was very important that British Subjects in Corea should know what would be the fate of the commercial, industrial and property rights which they had acquired in Corea in the matter of mines, missions, and land-ownership in general. Count Komura said that no change would be made at the time of annexation but the Japanese Government would wish that all these points should be subsequently discussed with the foreign Governments concerned and he added to my list the questions of the foreign settlements and perpetual leases. On my mentioning the advisability of making a special convention regarding these points previous to annexation, His Excellency said that other nations would wish to make similar conventions, and there would be no end to the matter. As annexation was imminent it was quite impossible that special conventions could now be made. I venture to think that when, as suggested by Count Komura, these points come to be discussed with the Powers some arrangement or convention could be entered into.

His Excellency informed me that he had instructed Mr. Kato to lay before you the three declarations which the Japanese Government were prepared to make, and

(4) [Marginal comment by Mr. Greg: "Mr. Bonar himself admits that the new Japanese prison at Pingyang is admirable. R. H. G."]

(5) [*v. supra*, pp. 490-1, No. 393.]

(6) [Marginal comment by Mr. Greg: "This was not mentioned in Sir C. MacDonald's Tel[egram] No. 31. [R. H. G.]" (*v. supra*, pp. 492-3. No. 395.)]

had that morning heard that you were not overpleased with the vagueness of the period mentioned in the first and third articles.

I thought this a good opportunity to press for some definition of the vague phrases used, and I emphasised the good impression which would be produced if Japan would definitely fix a period during which the tariff would continue. This from a commercial point of view was, I said, most important, for for that given time the merchant would know where he was, and could make his arrangements accordingly. I pointed out that Japan had made a solemn promise as late as November 1905 that she would maintain and respect treaties between Corea and other Powers:—"Yes" Count Komura here interrupted "but only during the state of Protectorate, which state would cease when annexation took place." I said nevertheless Japan had been loud in her protestations regarding the maintenance of the integrity of the Corean Empire, and anything she could do to soften the inevitable shock of annexation would, I thought, be useful to her. After much demur, possibly assumed, Count Komura said that if the British Government asked for the number of years to be specified by Japan he himself thought that the Cabinet would consent—provided, he added, that it was not for too long a period.

I had the honour of telegraphing the gist of this interview to you the same afternoon,⁽⁷⁾ and I added that I thought we might with advantage act on Count Komura's statement and ask for ten years. Before leaving I asked His Excellency if he could without indiscretion inform me why the actual act of annexation had been decided upon in such a hurry. I reminded him that in December last he had informed me in the most categorical manner, when owing to rumours in the Press I had asked him about possible annexation that "the Japanese Government had not the slightest intention of departing from the line of policy which they had decided upon and I might rest assured that the "status quo" would be maintained in Corea at any rate for some time to come" (my despatch No. 362 of December 17, 1909⁽⁸⁾). Count Komura replied that events had progressed much more rapidly than the Japanese Government had anticipated; doubt and uncertainty prevailed in Corea, and the Japanese Government, to put an end to a situation which was becoming intolerable, had decided to put in force without further delay a policy which they had as the world must be aware, intended from the first to carry out, as the only one possible under the circumstances.

I have, &c.

CLAUDE M. MacDONALD.

Enclosure in No. 396.

(Confidential.)

(1) The Japanese Government will, for the time being, levy upon goods imported into Korea from foreign countries or exported from Korea to foreign countries, and upon Foreign vessels entering any of the open ports in Korea, the same import or export duties and the same tonnage dues as under the existing schedules. The same import or export duties and tonnage dues as those to be levied upon such goods and vessels will also for the present be applied in respect to goods imported into Korea from Japan or exported from Korea to Japan, and Japanese vessels entering any of the open ports in Korea.

(2) All the existing open ports, with the exception of Masampo, will be left open, while Shin-Wiju will be newly made an open port.

(3) The Japanese Government will permit for the present the vessels under the flags of Powers having Treaties with Japan, to engage in the coasting trade between the open ports in Korea, and between those ports and the other open ports of Japan.

⁽⁷⁾ [*v. supra*, pp. 492-3, No. 395.]

⁽⁸⁾ [Not reproduced. It gave the views of Viscount Sone and the Japanese Press on the question of the annexation of Corea.]

No. 397.

Consul-General Bonar to Sir Edward Grey.

F.O. 371/877.
26714/988/10/12.
Tel.

Seoul, July 24, 1910.
D. 8·25 P.M.
R. 8·15 P.M.

My despatch No. 44, due 19th August,⁽¹⁾ deals with my suggestion, approved by Sir C. Macdonald, for conclusion of special convention with Japan to safeguard certain rights of British subjects in Corea subsequent to annexation. Since then Sir C. Macdonald has communicated to me his telegram No. 31,⁽²⁾ respecting proposed declaration of Japanese Government. I have replied at length, giving reasons why, apart from tariff and jurisdiction questions, I consider this proposed declaration inadequate.

MINUTES.

Await despatch due August 19.
Para[phrase] to B[oard] of T[rade].⁽³⁾

B. F. A.
25/7.

I hardly see what more we c[oul]d require.

F. A. C.
25/7.

The Japanese are pressing for an answer on the question of principle and I must consider this week what answer to give.

E. G.

⁽¹⁾ [Not reproduced, the despatch (F.O. 371/877. 30279/988/10/12) was received on August 20. The special rights and privileges which Consul-General Bonar wished to safeguard were the rights of purchasing and renting land, concessions as to mines and waterworks and certain mining rights, "the acquisition of which at the present moment is sanctioned by the laws of the existing Government."

A list of British residents in Corea, their occupations and properties, and a list of industrial interests in Corea, are enclosed in the despatch.]

⁽²⁾ [*v. supra*, pp. 492-3, No. 395.]

⁽³⁾ [This was done on July 26. (F.O. 371/877. 26714/988/10/12.)]

No. 398.

Sir Edward Grey to Baron Kato.

F.O. 371/877.
27519/988/10/12.
Your Excellency:—

Foreign Office, August 3, 1910.

You were good enough to communicate to me on the 19th ultimo⁽¹⁾ the intentions of the Japanese Government in regard to the treatment of the economic interests of Powers who had Treaties with Corea when the moment arrived for the annexation of that country to Japan.

His Majesty's Government have given careful consideration to Your Excellency's communication, and in reply I have the honour to offer the following observations.

With regard to the first point on which you indicated that your Government are

⁽¹⁾ [*v. supra*, pp. 491-2, No. 394.]

prepared to make a Declaration, His Majesty's Government learn with satisfaction that the import and export duties at Corean ports and the tonnage duties on shipping would be maintained at existing rates for the present. They note that this Declaration is intended to cover imports from and exports to Japan as well as imports from and exports to other countries. They would however be very glad to learn how long the present Corean Tariff would remain in force, and they venture to suggest that the precedent afforded by the United States-Spanish Treaty should be followed, which gave Spain a period of ten years during which differentiation in favour of the United States could not be introduced in the Philippines, a provision which has been extended in practice to all other countries than Spain.

It is assumed that, by the undertaking to be given by the Japanese Government, the Japanese Tobacco monopoly will not extend to Corea.

As regards the Customs treatment of Corean goods imported into Japan, His Majesty's Government also assume that such provision as may be made for equality of treatment, for a definite period, of Japanese and foreign trade with Corea would be applicable also to Corean and foreign trade with Japan.

Passing to the second point, that "the existing open ports of Corea would be maintained as such" except Masampho and that in addition, Wiju would be opened, I am informed that Shinwiju appears to be already open in practice. His Majesty's Government would accordingly invite the Japanese Government to declare not only this but some other port also open to foreign trade.

As regards the third point, His Majesty's Government trust that the period for which the coasting trade between the open ports of Corea and the trade between Corean and Japanese ports would be allowed to foreign shipping would be at least as long as that for which Customs differentiation is to be excluded.

A further matter to which the attention of His Majesty's Government has recently been called is the protection of British trade marks in Corea.

There exists an informal understanding whereby the Japanese Authorities do not accept for registration in Corea trade marks which are similar to samples of British marks lodged by the Commercial Attaché to His Majesty's Embassy at Tokio with the Corean Patent Bureau at Seoul and its branch at Tokio. It is, in the opinion of His Majesty's Government, very desirable that all marks registered either in the United Kingdom, Hongkong or Japan, of which samples have been so lodged, either directly or indirectly, shall, on the settlement of the Annexation question, be duly registered, without charge (as in the case of American marks) and entitled to the protection of the Japanese law accordingly.

The foregoing observations deal briefly with the commercial aspect, so far as the United Kingdom is concerned, of the proposed annexation. There are, however, one or two other points, such as the question of the foreign Settlement at Chemulpo, &c., on which I may have to address Your Excellency further.

[I have, &c.
E. GREY.]

No. 399.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/877.

27519/988/10/12.

Tel. (No. 24.) Secret.

Foreign Office, August 5, 1910.

D. 4.10 P.M.

My Tel[egram] No. 22 Secret of July 23rd.⁽¹⁾

We have accepted principle of annexation of Corea by Japan and have been in consultation with B[oard] of T[rade] as to best means of protecting our commercial

⁽¹⁾ [This telegram summarised Sir Edward Grey's despatch No. 122, Secret, of July 19, v. *supra*, pp. 491-2, No. 394, and note ⁽¹⁾.]

interests after event takes place. We communicated our views on this aspect of the question on August 3rd to Japanese Ambassador but pointed out that there are one or two other points, such as the question of the foreign Settlement at Chemulpo, on which we might have to address H[is] E[xcellency] further.⁽²⁾ Nothing was said about surrender of our extra-territorial rights. We are asking that present Korean tariff shall remain in force for ten years.

Copy of our note will go to you by mail tomorrow.

(²) [*v.* immediately preceding document.]

No. 400.

Baron Kato to Sir Edward Grey.

F.O. 371/878.

30942/988/10/12.

Sir,

Japanese Embassy, London, D. August 23, 1910.

R. August 25, 1910.

Under instructions, I have the honour to inform you that a treaty, copy of which in translation is herewith enclosed, was concluded on the 22nd instant between the Governments of Japan and Corea, providing for the annexation of Corea to the Empire of Japan.

I have, &c.

TAKAAKI KATO.

Enclosure in No. 400.

Treaty between the Governments of Japan and Corea for the Annexation of Corea to the Empire of Japan.⁽¹⁾

(Confidential.)

(Translation.)

His Majesty the Emperor of Japan and His Majesty the Emperor of Corea having in view the special and close relations between their respective countries, desiring to promote the common weal of the two nations and to assure permanent peace in the Extreme East, and being convinced that these objects can be best attained by the annexation of Corea to the Empire of Japan, have resolved to conclude a treaty of such annexation and have, for that purpose, appointed as their plenipotentiaries, that is to say, His Majesty the Emperor of Japan Viscount Masakata Terauchi, his Resident-General, and His Majesty the Emperor of Corea Ye Wan Yong, his Minister President of State, who upon mutual conference and deliberation have agreed to the following articles:—

Article I. His Majesty the Emperor of Corea makes complete and permanent cession to His Majesty the Emperor of Japan of all rights of sovereignty over the whole of Corea.

Article II. His Majesty the Emperor of Japan accepts the cession mentioned in the preceding article and consents to the complete annexation of Corea to the Empire of Japan.

Article III. His Majesty the Emperor of Japan will accord to Their Majesties the Emperor and Ex-Emperor and His Imperial Highness the Crown Prince of Corea and their consorts and heirs with such titles, dignities and honours as are appropriate to their respective ranks and sufficient annual grants will be made for the maintenance of such titles, dignities and honours.

Articles IV. His Majesty the Emperor of Japan will also accord appropriate honour and treatment to the members of the Imperial House of Corea and their heirs other

⁽¹⁾ [Printed in *Martens, 3me Série*, Vol. IV, pp. 24-5.]

than those mentioned in the preceding article and funds necessary for the maintenance of such honour and treatment will be granted.

Article V. His Majesty the Emperor of Japan will confer peerages and monetary grants upon those Coreans who, on account of meritorious services, are regarded as deserving such special recognition.

Article VI. In consequence of the aforesaid annexation the Government of Japan assume the entire government and administration of Corea and undertake to afford full protection for the person and property of the Coreans obeying to the laws there in force and to promote the welfare of all such Coreans.

Article VII. The Government of Japan will, so far as circumstances permit, employ in the public services of Japan in Corea those Coreans who accept the new regime loyally and in good faith and who are duly qualified for such services.

Article VIII. This treaty, having been approved by His Majesty the Emperor of Japan and His Majesty the Emperor of Corea, shall take the effect from the date of its promulgation.

In faith thereof, &c.

No. 401.

Baron Kato to Sir Edward Grey.

F.O. 371/878.

30943/988/10/12.

Sir,

Japanese Embassy, London, D. August 23, 1910.

R. August 25, 1910.

Under instructions, I have the honour to transmit to you the declaration of the Imperial Government, the text of which is herewith enclosed, in connection with the annexation of Corea to the Empire of Japan as communicated to you in my note of even date.⁽¹⁾

I have, &c.

TAKA AKI KATO.

Enclosure in No. 401.

Declaration of the Imperial Government as to the Annexation of Corea to the Empire of Japan.⁽²⁾

(Confidential.)

Notwithstanding the earnest and laborious work of reform in the administration of Corea in which the Governments of Japan and Corea have been engaged for more than four years since the conclusion of the Agreement of 1905, the existing System of Government in that country has not proved entirely equal to the duty of preserving public order and tranquillity; and, in addition, the spirit of suspicion and misgiving dominates the whole peninsula.

In order to maintain peace and stability in Corea, to promote the prosperity and welfare of Coreans, and at the same time to ensure the safety and repose of foreign residents, it has been made abundantly clear that fundamental changes in the actual régime of Government are absolutely essential. The Governments of Japan and Corea, being convinced of the urgent necessity of introducing reforms responsive to the requirements of the situation and of furnishing sufficient guarantee for the future, have, with the approval of His Majesty the Emperor of Japan and His Majesty the Emperor of Corea, concluded through their respective plenipotentiaries a treaty providing for complete annexation of Corea to the Empire of Japan. By virtue of that important act which shall take effect on its promulgation on the 29th of

⁽¹⁾ [v. immediately preceding document.]

⁽²⁾ [Printed in *Martens, 3me Série*, Vol. IV, pp. 26-8.]

August, 1910, the Imperial Government of Japan undertake the entire government and administration of Corea, and they hereby declare that the matters relating to foreigners and foreign trade in Corea shall be conducted in accordance with the following rules :

1. Treaties hitherto concluded by Corea with foreign Powers ceasing to be operative, Japan's existing treaties will, so far as practicable, be applied to Corea. Foreigners resident in Corea will, so far as conditions permit, enjoy the same rights and immunities as in Japan proper, and the protection of their legally acquired rights subject in all cases to the jurisdiction of Japan. The Imperial Government of Japan are ready to consent that the jurisdiction in respect of the cases actually pending in any foreign consular court in Corea at the time the Treaty of Annexation takes effect shall remain in such court until final decision.
2. Independently of any conventional engagements formerly existing on the subject, the Imperial Government of Japan will for a period of ten years levy upon goods imported into Corea from foreign countries or exported from Corea to foreign countries and upon foreign vessels entering any of the open ports of Corea the same import or export duties and the same tonnage dues as under the existing schedules. The same import or export duties and tonnage dues as those to be levied upon the aforesaid goods and vessels will also for a period of ten years be applied in respect of goods imported into Corea from Japan or exported from Corea to Japan and Japanese vessels entering any of the open ports of Corea.
3. The Imperial Government of Japan will also permit, for a period of ten years vessels under flags of the Powers having treaties with Japan to engage in the coasting-trade between the open ports of Corea and between those ports and any open port of Japan.
4. The existing open ports of Corea, with the exemption of Masampo, will be continued as open ports and in addition, Shi[n]wiju will be newly opened so that vessels foreign as well as Japanese, will there be admitted and goods may be imported into and exported from those ports.

No. 402.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/878.

31016/988/10/12.

Tel. (No. 26.) R.

Foreign Office, August 25, 1910.

D. 1·20 P.M.

I have observed to Japanese Ambassador that comment is sure to be made upon bearing of Article III of Anglo Japanese Agreement upon annexation of Corea. It appeared to me that this article did not contemplate annexation and that therefore the agreement did not entail any positive obligation upon us to support annexation of Corea: on the other hand it seemed to me that it would be inconsistent with spirit of agreement for us to oppose the annexation.

It might be urged here that annexation which contemplated alteration of Korean tariff was inconsistent with last part of Article III, but this I should answer by pointing out that equal opportunities for commerce were continued for 10 years, which was beyond the term of the Agreement, and that renewal of Agreement could of course be considered on basis of annexation of Corea.

Japanese Ambassador having told me that text of annexation and declaration had been communicated to other Powers interested, I said that if asked my views by other Powers I should reply that we had no political objection to annexation of Corea by Japan, that period of 10 years for commercial rights was in accordance with American

precedent in the Philip[p]ines, and that other questions, such as those referred to in fifth paragraph of your telegram No. 31 of July 21,⁽¹⁾ were reserved for discussion, and in these there might be an exchange of views between the Powers. I said that we were consulting Board of Trade as to reply to last Japanese communication,⁽²⁾ especially with regard to tobacco monopoly.

Finally I said that as regards prisons and tribunals and justice generally I presumed that foreigners in Corea would not be treated on any lower standard than in Japan. Corean prisons or judges would be inferior to Japanese. Ambassador said he regarded this point as being covered in principle by the declaration and had no doubt that any details could be adjusted satisfactorily.

In communicating text of annexation and declaration Japanese Ambassador asked that they should be kept secret till promulgated; he added that in administration of foreign settlements status quo would be observed for the present except as regards police administration.⁽³⁾

⁽¹⁾ [*v. supra*, pp. 492-3, No. 395.]

⁽²⁾ [*v. immediately preceding document.*]

⁽³⁾ [The annexation was officially proclaimed in Seoul on August 29.]

No. 403.

Sir Edward Grey to Mr. O'Beirne.

F.O. 371/878.
31984/988/10/12.
(No. 248.)

Sir,

Foreign Office, September 8, 1910.

The Russian Ambassador called here on the 30th ult[im]o to ask what answer H[is] M[ajesty's] G[overnment] had returned to the Japanese Gov[ernment] on receiving their notification of the annexation of Corea.

H[is] E[xc]ellency was informed that the Japanese Amb[assador] had been told that H[is] M[ajesty's] G[overnment] had no political objection to the annexation, that they were satisfied with the ten years term for the maintenance of the old tariff, and that they would reserve other questions, such as mining rights, perpetual leases, &c. for future discussion.

I am, &c.

E. GREY.

No. 404.

Sir C. MacDonald to Sir Edward Grey.

F.O. 371/878.
39118/988/10/12.
(No. 223.) Confidential.

Sir,

Tôkiô, D. October 10, 1910.

R. October 27, 1910.

In my immediately preceding despatch⁽¹⁾ I reported on an interview I had with the Prime Minister regarding the new Japanese tariff and the effect it was having on British public opinion. We subsequently discussed the Annexation of Corea, more particularly in regard to British interests and the manner in which they would be affected by the change.

⁽¹⁾ [Not reproduced, as the contents are sufficiently indicated above.]

I told His Excellency that the Annexation had at the last come as somewhat of a surprise to His Majesty's Government, because Count Komura had assured me as late as last December that no change would be made in the Protectorate for some considerable time to come and I had reported in this sense to my Government.⁽²⁾ Count Komura had subsequently explained to me that when he had made this statement, there was no intention of making any change in the immediate future, but that events had marched so rapidly that the Government had to make up their minds in a hurry. Marquis Katsura said that this was the case, and then proceeded at some length to give me a history of the events which led up to the Annexation; briefly what His Excellency said, which is not without interest, was as follows. He, personally, from the very first, was of the opinion that the Koreans were absolutely unfitted to govern themselves, and that therefore they must be governed by some other Power. After the war with Russia it was clear that that Power must be Japan. Prince Ito was of opinion that a serious attempt should be made to educate the Koreans to govern themselves, and thus maintain their independence, and undertook himself to endeavour to bring this about. At the end of three years the Prince recognised that the task was hopeless and in the Spring of last year himself consented to annexation. It was recognised, however, that the time was not yet, and Viscount Sone was appointed to prepare the way. Matters were complicated and hastened by the illness of this statesman, also by the assassination of Prince Ito. The situation in Korea became very unsettled and perplexing and the Government had no option but immediate annexation. Marquis Katsura was of the opinion that the Annexation had taken place too soon; it was his intention to wait until Treaty Revision was out of the way and then to declare Korea annexed, but events had forced his hand. His Excellency added that the quiet manner in which the annexation had taken place was a source of great satisfaction to the Japanese Government. He personally lost no opportunity of impressing upon the Japanese people that the annexation was a grave and great responsibility and not a subject of rejoicing and that any demonstrations of pride or "haughtiness" were strongly to be deprecated.

Marquis Katsura then said that the friendly and sympathetic manner in which annexation had been received by His Majesty's Government had been gratefully noted by the Japanese Government and he begged that I would convey to you his warmest thanks for the goodwill you had shewn.

I then reminded His Excellency that there were several questions regarding British interests in Korea which, notwithstanding the abolition of the Treaties and of Extraterritoriality, still remained, and with reference to which the Japanese Government had promised to negotiate, once the Annexation was safely over; these interests were connected with the right to hold land and own mines, the disposal of the Foreign settlements, questions relating to the jurisdiction of the Courts in Korea, also in connection with Korean prisons, which were not suitable for foreign offenders. His Excellency said that the Japanese Government were quite prepared to negotiate regarding these matters when approached by His Majesty's Government. He had already studied them and they did not seem to present any difficulties. I said that I would doubtless receive my instructions on these points very shortly, and trusted that they might be settled without difficulty.

I have, &c.

CLAUDE M. MacDONALD.

(²) [This assurance was reported by Sir C. MacDonald in his despatch No. 362, D. December 17, 1909, R. January 24, 1910. F.O. 371/877. 2668/988/09/12.]

IV.—THE RENEWAL OF THE ANGLO-JAPANESE ALLIANCE.

[*ED. NOTE.*—For the subject of this section, *cp. G.P. XXXII, ch. 256.*]

No. 405.

Sir Edward Grey to Sir C. MacDonald.

F.O. 371/925.

35403/35403/10/23.

(No. 167.)

Sir,

Foreign Office, September 26, 1910.

I told the Japanese Ambassador to-day that a person, who was not officially connected with the United States Government, but who interested himself in American affairs, had sounded me as to whether I should be favourably disposed if the United States Government were to approach me with a proposal for a universal Arbitration Treaty. I had replied that I should be willing to receive such a proposal.⁽¹⁾

I explained to the Ambassador that I did not know or expect that the United States Government would make such a proposal soon. If they did, I should first ask them whether it was likely that the Senate would give a better reception to a Treaty of this kind now than they some time ago gave to the Hay-Pauncefote Treaty. If they replied in the affirmative, I should then be willing to discuss the question.

It had occurred to me, however, that the provisions of the Anglo-Japanese Alliance would have to be taken into account. There would be two possible ways of doing this: One would be to say that, if the provisions of the Arbitration Treaty conflicted with those of the Alliance, the Alliance must remain the governing factor till the date when it expired; when its renewal was under discussion, the Arbitration Treaty would of course have to be taken into account, but till it expired it would, as the prior Treaty, be the governing factor. The second way would be to say to the United States Government that any conflict between the Treaty of Arbitration and the Alliance would be avoided if they invited Japan, as our Ally, to be a party to the Treaty, or to make a similar Treaty with the United States.

The matter was not urgent, as it was quite possible that no proposal would ever be made, and the question might not have to be discussed at all. But as a precaution I thought it well to ask the Japanese Ambassador and his Government to turn the matter over in their minds, and consider what their attitude would be if the United States Government did make such a proposal to us, and what they would like us to say.

The Ambassador said that, "prima facie," he saw some advantage to Japan in her making a Treaty of this kind. For, though it was out of the question that Japan should go to war with the United States, the American press sometimes worked up a war feeling, and an Arbitration Treaty would put an end to this.

I told the Ambassador, in the course of conversation, that the sort of Treaty I was discussing would be one which bound each nation not to go to war with the other about any question without first having offered to settle the question by arbitration.

[I am, &c.]

E. G[REY].

⁽¹⁾ [*v. infra*, p. 542, No. 447, minute by Sir Edward Grey, and *Ed. note.*]

Sir Edward Grey to Sir C. MacDonald.

F.O. 2271/1827/11/23.

(No. 11.)

Sir,

Foreign Office, January 16, 1911.

I reminded the Japanese Ambassador to-day of what I had said to him a few weeks ago about adjusting our Alliance to a general Arbitration Treaty with the United States.⁽¹⁾

The Ambassador said that he had reported to his Government, but had not yet heard from them.

I said that there were two alternative ways in which we might proceed. One was that we should accept the Arbitration Treaty and except the Alliance from it for the time the Alliance still had to run; and then, when the time came for us to discuss the renewal of the Alliance,—(as I hoped we should discuss it),—to bring it by some means into accord with a general Arbitration Treaty with the United States. The other alternative was that I should suggest to the United States, when they made a proposal to us, that—in order to obviate any difficulties connected with the Japanese Alliance—they should propose a similar Arbitration Treaty to Japan. I could easily make this suggestion, but I did not wish to make it unless I was sure it would not be embarrassing to the Japanese Government. This was why I had asked for their views.

I had, as yet, received no proposal from the United States, but, judging by what Mr. Taft had said in public,⁽²⁾ a proposal might come at any time.

The Ambassador promised to telegraph to his Government.

[I am, &c.]

E. G[REY].

⁽¹⁾ [*v.* immediately preceding document.]

⁽²⁾ [For references to Mr. Taft's speech *v. infra*, p. 545, No. 451, and p. 548, No. 453.]

Sir Edward Grey to Sir C. MacDonald.

F.O. 2719/1827/11/23.

(No. 13.) Secret.

Sir,

Foreign Office, January 20, 1911.

With reference to my desp[atch] No. 11 of the 16th inst[ant],⁽¹⁾ the Japanese Ambassador told me to-day that his Government felt that the conclusion with the United States of a treaty of unlimited arbitration would require very careful consideration. They could not yet commit themselves to the principle of such a treaty. They would be glad, therefore, if, in concluding with the United States a treaty of unlimited arbitration, I would arrange to except the provisions of the Japanese Alliance. The Alliance could be adjusted to the treaty with the United States when the time came for the Alliance to be renewed.

The Ambassador expressed the hope that the Alliance would be renewed, and I took the opportunity of adding that I hoped so too.

The Ambassador then observed that he had been turning the matter over in his own mind. He foresaw that, if the provisions of the Japanese Alliance had to be made an exception in a treaty of unlimited arbitration with the United States, some people here would criticise the Alliance as an obstacle to arbitration. This would be very undesirable; and he thought it would be possible at any time to revise the Alliance in some way which would secure that difficulties arising with the United

⁽¹⁾ [*v.* immediately preceding document.]

States should be excepted from it. The way would then be clear for an unlimited Treaty of Arbitration with the U[nited] S[tates]. The Article about Corea would require to be modified, owing to the annexation of Corea. This, and one or two other alterations, might be made at the same time.

I said that I would bear this in mind. There was ample time, for we had not yet received any proposal from the United States. I had not yet brought the principle of an unlimited treaty of arbitration before the Cabinet at all. Nor had I mentioned the question of the Japanese Alliance in connection with it. When the United States Government did make a proposal, I should first of all have to take the opinion of the Cabinet on the general principle of such a treaty. Even if this principle was accepted at once, I should begin by pointing out that some arrangement would be necessary with regard to the Japanese Alliance. I should not make any cut and dried proposals in the first instance, but should discuss the matter with him again before I made any definite proposal. I wished him to realise that I had discussed the subject with him, in order that both our minds might be prepared even before the subject was ready for submission to the Cabinet.

[I am, &c.]
E. G[REY].

No. 408.

Sir C. MacDonald to Sir Edward Grey.

F.O. 10143/10143/11/23.

(No. 41.) Confidential.

Tôkiô, D. March 4, 1911.

Sir,

R. March 20, 1911.

The retiring German Ambassador at this Court, Baron Mumm von Schwartzstein gave a dinner on the 28th ultimo to some representatives of the foreign and Japanese Press. In view of the tenour of some of the Ambassador's remarks on that occasion I have thought it worth while to forward to you, herewith, the text of His Excellency's speech as given by the Kobe Chronicle.⁽¹⁾

Baron Mumm is reported to have said that he had noticed that "a certain undesirable tone, formerly coupled with the name of Germany, in the Press of Japan, had nearly disappeared, and that certain groundless suspicions which were merely based on ignorance of Germany's political aims, were more and more seldom found in prominent Japanese newspapers." His Excellency added that he could state with equal satisfaction "that the majority of the leading German organs now fully acknowledge and appreciate Japan's position as a world power."

I think it may be safely said that Baron Mumm took the step, unusual for an Ambassador, of inviting Press Representatives to a dinner, with the express object of proclaiming to the world the sentiments contained in the foregoing paragraph. His pointed remarks were skilfully woven into an appeal to the Japanese Press to help in the removal of mutual misunderstandings between his country and Japan, and in making this appeal he by implication emphasised the existence, in the past, of such misunderstandings, which term is a euphemism for the hostility shown by the Western Power to the rise of the Oriental Power.

During his term of Office here Baron Mumm has worked hard to improve the outward relations between Germany and Japan and I can endorse his remarks as to the improved tone of the foreign and vernacular Press of this country in alluding to Germany. By a coincidence, almost perhaps amounting to design, several prominent Germans have recently been in Japan. Dr. von Holleben (formerly German Minister at Tokio), the Regent of Brunswick and Herr Dernburg successively visited this country last year. All these personages were officially entertained and much trouble

⁽¹⁾ [Not reproduced.]

was taken to make their stay pleasant. The visit of the German Crown Prince would have put the finishing touch to the work of winning over the Japanese Nation to a more friendly conception of the German Empire. The Plague in China necessitated the abandonment of that visit, however, and Baron Mumm may have thought it necessary to express in a speech what the presence in Japan of the Crown Prince would in itself have been sufficient to suggest to the Press and people of this country.

I venture to think that however much the Japanese, who are susceptible to flattery, may be pleased with the sentiments expressed by the Ambassador, the greater cordiality between the two nations is largely on the surface. I have noticed that from Baron Mumm downwards, the members of the German Embassy cannot discuss the Japanese and their doings without indulging in carping criticism. On their side the Japanese, it is certain, are shrewd enough to realise that Germany was the last of the Great Powers to recognise, and that unwillingly, the rise of Japan to the position of a Great Power. A member of the German Embassy, who is fully aware of the mistrust felt for his country by the Japanese, openly admitted to one of my Staff that Japan could not forget that it was the German Minister of the day who, in virtue of his seniority, intimated to the Japanese Government that they must abandon Port Arthur after the War with China. In discussing the visit of the German Crown Prince some little time ago, the Austro-Hungarian Ambassador, who is an intelligent observer of events, said that the Press would be duly worked up for the occasion and cordial speeches exchanged, but that, once the visit was over, there would be a revival of the old feelings of mistrust and suspicion. I am inclined to think that His Excellency's diagnosis was fairly to the point.⁽²⁾

I have, &c.

CLAUDE M. MACDONALD.

(²) [For German-Japanese relations in 1911, *cp. G.P. XXXII, ch. 260.*]

No. 409.

Sir C. MacDonald to Sir Edward Grey.

F.O. 14196/1827/11/23.

(No. 58.) Secret.

Tôkiô, D. March 16, 1911.

Sir,

R. April 18, 1911.

On more than one occasion lately, the Minister for Foreign Affairs has asked me whether I have received any information from you regarding the possibilities of Great Britain entering into a Treaty of general and unlimited Arbitration with the United States. I have replied that in November last you were good enough to send me an account of a conversation you had had with Mr. Kato, Japanese Representative in London,⁽¹⁾ when the possibilities of such a treaty had been broached by you, but as you considered that the matter was not then urgent, and indeed that the proposal might never be made by the United States Government, you had contented yourself with mentioning the matter to Mr. Kato, so that he and his Government might turn the matter over in their minds and consider what their attitude would be, and what they would like us to say, in case the United States Government did make such a proposal to us.

About three weeks ago Count Komura again alluded to this subject and said that matters had progressed somewhat further; the Japanese Government had studied the question very carefully and had sent a reply through their Representative in London,⁽²⁾ who had reported your conversation of the 26th of September last, that with regard to the proposal which had been informally suggested to the effect that Japan herself

(¹) [*v. supra*, p. 503, No. 405. The despatch is dated September 26, but its substance indicates that this is the one to which Sir C. MacDonald refers.]

(²) [*v. supra*, pp. 504-5, No. 407.]

might make a Treaty of general Arbitration with the United States, they, the Japanese Government, could not commit themselves to the principle of such a Treaty without very careful consideration; they hoped, however, that in making a Treaty of such a nature with the United States His Majesty's Government would endeavour to except the provisions of the Anglo-Japanese Alliance Treaty.

I said that I had received no further information from you with regard to this question, but I should doubtless do so in the course of a few days.

By the Canadian Bag which arrived here on the 9th instant I received your despatches No. 11 and No. 13 of the 16th and 20th of January⁽³⁾ respectively, dealing with this subject; and happening to meet Count Komura at an entertainment given last night by the Minister of the Household, I mentioned that I had heard from you and you had informed me of the Japanese Reply to the informal suggestions put forward by you to the Japanese Ambassador. Count Komura, who was in a somewhat unusually communicative mood, at once embarked upon the reasons why a general Arbitration Treaty with the United States would require very careful consideration on the part of the Japanese Government. Of course war, His Excellency said, between the two countries was a practical impossibility, and not to be thought of, nevertheless he personally was of opinion, that it was very unwise to make a general Treaty of Arbitration with any Power when it might be impossible to carry out the Arbitration award, an award which might possibly threaten the honour, indeed the very existence of a nation. Take for instance the late Russo-Japanese War. Supposing the matter in dispute had been referred to arbitration and the arbitrators had decided that Corea was to belong to Russia, the very existence of Japan would have been threatened by their decision, which of course she would have set aside and gone to war all the same. This was doubtless an extreme case, but when the existence of a nation was threatened that nation must fight. Therefore he was strongly of opinion that it was unwise for Japan, situated as she was, to make a general Arbitration Treaty with any nation.

The above are practically the exact words used by His Excellency, and though he was careful to state that the opinions he put forward were his personal ones, there is no doubt but that they are shared by the majority of the Japanese people.

Count Komura went on to say that should a General Arbitration Treaty ever be concluded between England and the United States, the Japanese Government trusted that the provisions of the Anglo-Japanese Treaty might be excepted from it. What he personally would prefer would be that if the Anglo-American General Arbitration Treaty ever materialised, the Alliance Treaty should be renewed as soon as possible afterwards, and by some means amended so as to be brought into accord with the provisions of the Anglo-American Treaty; he thought that the five years which the Alliance Treaty had yet to run contained elements of danger, in that criticisms might arise to the effect that that Treaty was an obstacle to general arbitration.

In Mr. Mitchell-Innes' despatch No. 245 of the 22nd December 1910,⁽⁴⁾ reference is made to a speech by Mr. Taft which contains a sentence about a "positive agreement with some other nation to settle all disputes whether of honour, territory, or money" by arbitration, and in Mr. Bryce's despatches Nos. 7 and 8 of the 5th and 6th January⁽⁵⁾ of this year, the question is further dealt with, and His Majesty's Ambassador states that Mr. Taft had declared his intention of "setting the State Department to work at once to prepare the draft of a treaty to carry out the view he had expressed" in the speech above mentioned. It may therefore be inferred that the possibilities of such a treaty materialising between America and some of the Powers are hopeful. But from Count Komura's statements it will be seen that the Japanese Government at any rate are certainly not prepared to enter into any arbitration treaty of so general and far-reaching a nature as suggested by Mr. Taft. The reason for this may be that the

(3) [v. *supra*, pp. 504-5, Nos. 406 and 407.]

(4) [v. *infra*, pp. 544-5, No. 451.]

(5) [v. *infra*, pp. 546-50, Nos. 452 and 453.]

events which led up to Japan's great struggle with Russia, and the moments of deep anxiety which she then passed through, are of much too recent a date and too fresh in her memory to allow her to consent to refer matters of similar vital importance, and which may concern her very existence as a nation, to any other arbitration than that of war.

I have, &c.

CLAUDE M. MACDONALD.

P.S. March 17.

At Count Komura's reception this afternoon he again referred to this question and said that had the difficulties which brought on the war between Japan and Russia been then referred to arbitration the latter Power would at once have, by means of the Siberian Railway, hurried up enormous quantities of troops into Manchuria, which would have placed Japan at a serious disadvantage.

C. M. MACD.

No. 410.

Sir C. MacDonald to Sir Edward Grey.

F.O. 14194/1573/11/26.

(No. 56.) Very Confidential.

Sir,

Tôkiô, D. March 17, 1911.

R. April 18, 1911.

I have the honour to acknowledge the receipt of your despatch No. 24 of February 8 forwarding me copy of one to you dated January 9 from His Majesty's Representative in Mexico,⁽¹⁾ in which you state that among other matters reference is made to the possibility of a Japanese landing on the American continent, and you ask to be informed whether I have any information tending to show that Japan cherishes ambitions on the Continent of America. You also instruct me to be careful not to express any views on the subject to the Japanese Government.

The despatch of His Majesty's Representative in Mexico gives an account of an interview between himself and Senor Creel, the Foreign Minister, in which the latter asks privately whether Mr. Tower thought there was "any imminent danger of hostilities between the United States and Japan," to which Mr. Tower replied that "he was persuaded that neither country entertained any real intention of conflict, and that, even crediting Japan with a desire for expansion, it could hardly be believed that she was prepared for an arduous war with the United States, particularly as such a war would probably involve her dispatching to the coast of California a large force to occupy that littoral." Senor Creel replied that he entirely concurred "in the views expressed by Mr. Tower.

It gives me great pleasure to place on record that I am entirely in accord with the opinions expressed by these two gentlemen, and to state, in answer to your query, that I have no information whatever to show that Japan cherishes any ambition on the Continent of America other than an earnest desire to live in peace and amity with her powerful neighbour on the far side of the Pacific, to which end she has recently concluded a Treaty of Commerce and Navigation, and given important assurances restricting the emigration of her subjects into the territories of the said neighbour.

Mr. Creel while agreeing with Mr. Tower's opinions added he was "nevertheless not without some apprehension lest Japan might seize the Philippine Islands and thus strike a severe blow at United States prestige." While agreeing with Mr. Creel that "the seizure of these islands would probably be effected with comparative ease," I have much too high an opinion of Japanese statesmanship to believe that such a wild and foolish proceeding would be for one moment countenanced by those at the head of affairs in Japan, who are only too well aware of the seriousness

(1) [Not reproduced, as the contents of the despatches are sufficiently indicated above.]

of the return blow which would assuredly be dealt by the United States, were they to embark on such a madcap scheme.

As instructed, I have been careful not to express any views as to the possible interference of Japan in Mexican affairs. The papers have however recently been full of rumours, mostly of American manufacture, accusing Japan of a desire to support Mexico in her differences with the United States. I therefore asked Count Komura whether his attention had been drawn to these reports and I elicited the following reply:—"Yes, I have seen these reports and they are so ridiculously absurd as not to be worth the public denial which has been suggested in some quarters."

The American Ambassador informed me in the course of conversation that he had suggested a public denial to confirm the private one which he had received from Count Komura, but the latter had explained his reasons for not giving one,—which explanation had at once been accepted by Mr. O'Brien.

Count Komura then went on to say "We, the Japanese Government, never interfere in matters which do not concern us; we have no interests whatever in Mexico, indeed in the whole of South America our interests are very small. We⁽²⁾ would as much think of interfering and supporting Mexico against the United States as we are sure the American Government would decline to interfere and support Corea against us."

In view of recent events in Corea the view held by the Japanese Government of the relations between the United States and Mexico is, I venture to think, decidedly interesting.

I have, &c.

CLAUDE M. MACDONALD.

⁽²⁾ [A few words are here omitted.]

No. 411.

Sir Edward Grey to Sir C. MacDonald.

F.O. 11286/1827/11/23.

(No. 54.) Secret.

Sir,

Foreign Office, March 20, 1911.

I told the Japanese Ambassador to-day, in case he should receive enquiries from his Government, that the question of Arbitration with the United States, as far as the two Governments were concerned, remained much where it was when I last spoke to him about it.

In reply to some questions from him, I said that Mr. Bryce had been given to understand that the United States Government were considering proposals, but these proposals had not yet been drawn up and submitted to us.⁽¹⁾ We should cordially welcome them when they were sent to us, but I could not yet say when that would be.

I then reminded the Ambassador of his statement that his Government would prefer our Alliance to be excluded from the operation of the Arbitration Treaty, and adjusted when it came up for renewal. He had told me that, in his opinion, this would expose the Alliance to reproach here as an obstacle to Arbitration; and he personally would prefer that the Alliance should be modified simultaneously with the conclusion of the Arbitration Treaty, so that any question arising under the Treaty would be excepted from the Alliance.⁽²⁾

Personally, I was anxious that nothing should happen which would give the impression that the Alliance was weakening, or was not going to be renewed. If the course preferred by his Government were adopted, it had occurred to me since that it would give rise to statements that the Alliance was not going to be renewed.

⁽¹⁾ [*v. infra*, pp. 553-6, No. 458.]

⁽²⁾ [*v. supra*, pp. 504-5, No. 407.]

I thought, therefore, that it would be much better to revise the Alliance when the Arbitration Treaty was concluded, and at the same time to extend the term of the Alliance, so as to show that the Alliance was not weakened. I could mention this only as my personal opinion, for I had not yet had time to discuss it with my Colleagues.

The Ambassador asked me whether it was really my opinion that the Alliance should be renewed.

I replied that it certainly was. If the Alliance came to an end, there would be a great upset in the political atmosphere, and we should each of us have to adjust our interests entirely afresh.

The Ambassador said that, from the point of view of Japan, it would be very unfortunate if the Alliance were not renewed.

[I am, &c.]
E. G[REY].

No. 412.

Sir C. MacDonald to Sir Edward Grey.

Tôkiô, March 24, 1911.

F.O. 10866/1827/11/23.

D. 11·15 P.M.

Tel. (No. 12.) Confidential.

R. 9·15 P.M.

Minister for Foreign Affairs to-day informed me that exchange of views had taken place in London between you and Japanese Ambassador regarding Anglo-American Arbitration Treaty to the effect that, should such a treaty ever be signed, Anglo-Japanese Alliance Treaty should be at once amended in accordance with terms of the arbitration treaty and date of expiration of amended alliance treaty extended.⁽¹⁾

These views have given greatest satisfaction to the Japanese Government, who are entirely in accord with them.

⁽¹⁾ [v. immediately preceding document.]

No. 413.

Sir Edward Grey to Sir C. MacDonald.

F.O. 10866/1827/11/23.

Foreign Office, March 27, 1911.

Tel. (No. 14.) Secret.

D. 9 P.M.

Your telegram No. 12 (of M[ar]ch 24.⁽¹⁾ Alliance and U[nited] S[tates] Arbitration proposals).

The record of my conversation of 20th March⁽²⁾ to the effect stated in your telegram goes to you by next bag. I impressed upon Ambassador that the revision of the alliance when an arbitration treaty was concluded and extension of term of alliance so as to show that latter was not weakened was my personal suggestion only, as I had not yet consulted Cabinet.

In reply to Ambassador's enquiry whether it was my personal opinion that alliance should be renewed, I said it certainly was.

⁽¹⁾ [v. immediately preceding document.]

⁽²⁾ [v. *supra*, pp. 509-10, No. 411.]

No. 414.

Sir Edward Grey to Sir C. MacDonald.

F.O. 11684/1827/11/23.

(No. 59.) Secret.

Sir,

Foreign Office, March 27, 1911.

The Japanese Ambassador informed me to-day that his Government, to whom he had communicated what I had said,⁽¹⁾ were entirely in favour of a modification of the Treaty of Alliance which would except from it questions arising under an unlimited Arbitration Treaty with the United States. They would also like the Alliance to be extended at the same time as the alteration was made.

I reminded the Ambassador that this had been an expression of my personal opinion only; and to this he assented.

He said that it had occurred to him that, instead of excepting the United States by name, a general exception might be made of any question arising under an unlimited Arbitration Treaty concluded by us or by Japan with any other country.

I said that the same point had occurred to me. I thought it would be better to make an exception in general terms, otherwise it might appear as if the Alliance would have to be modified whenever an unlimited Arbitration Treaty was made by either of us.

I informed the Ambassador that there was, as yet, no draft of a Treaty between the United States and ourselves, but we were both engaged in considering how a draft should be drawn up.

[I am, &c.]
E. G[REY].

(¹) [*cp. supra*, pp. 509-10, No. 411.]

No. 415.

Sir Edward Grey to Sir C. MacDonald.

F.O. 11683/1827/11/23.

Tel. (No. 16.)

Foreign Office, March 29, 1911.

D. 9 P.M.

Cabinet agree that an extension of term of our alliance with Japan should accompany any modification of it made to suit unlimited arbitration treaty between United States and ourselves. Extension would presumably be to make treaty run for ten years from date of modification. We propose to wait till a draft of an arbitration is under consideration before discussing a new draft of alliance. We hear an arbitration draft is being prepared by United States Government, but is not yet completed. I have informed Japanese Ambassador.

No. 416.

Sir Edward Grey to Sir C. MacDonald.

F.O. 12607/1827/11/23.

(No. 63.) Secret.

Sir,

Foreign Office, April 3, 1911.

The Japanese Ambassador observed to-day that the American Press had been discussing the question of the Anglo-Japanese Alliance, and had stated that Mr. Knox and Mr. Bryce, when approached upon the subject, had said that it would give rise to no difficulty in connection with an Arbitration Treaty.

I said that I had not seen what the American Press had been saying. So far, I had not mentioned the Alliance to the United States Government, as they had not mentioned the matter to us. I was telling Mr. Bryce, in a letter now on its way to him, about the proposed modification of the Alliance; but the letter had not yet reached him, and in it I had asked him to regard the information as confidential for the present.⁽¹⁾

[I am, &c.]
E. G[REY].

⁽¹⁾ [This letter was despatched on March 30, 1911. *v. infra*, pp. 559-60, No. 463.]

No. 417.

Sir C. MacDonald to Sir Edward Grey.

Tôkiô, April 5, 1911.

F.O. 12605/1827/11/23.

D. 1.45 P.M.

Tel. (No. 14.) Secret.

R. 2 P.M.

Your telegrams Nos. 16⁽¹⁾ and 18 (repeating No. 99 to Washington).⁽²⁾

From what Japanese Amb[assado]r has said to you and from what I have heard here Japanese Gov[ernmen]t are evidently exceedingly anxious to renew Anglo-Japanese Alliance which will be probably even more important to their interests in the future than it has been in the past.

Next few years, particularly those during which the alliance has still to run, are of vital importance to Japan and her policy in Corea, Manchuria and China generally during those years will be valuable indication to us whether we should renew alliance at its expiration or not.

I am of opinion that one of the main reasons why we have received tariff concessions in new treaty from the Japanese Gov[ernmen]t is due to the fear that agitation caused by refusal to make such concessions would endanger the renewal of the alliance, see my despatch No. 222 of October 9, 1910.⁽³⁾ If we do not renew until alliance expires four years hence we can pretty well rely on tariff not being denounced before then and in other ways the uncertainty of renewal would be useful lever and also check to any unnecessarily forward policy.

As regards suggested extension of alliance for ten years, H[is] M[ajesty's] Gov[ernmen]t have doubtless remembered that lease of Port Arthur and Antung-Mukden railway expires in 1923 which will therefore be a critical year.

MINUTES.

If, as I gather, Sir E. Grey told the Japanese Ambassador that we would extend the term of the Alliance at the same time that it was modified to suit the proposed new Arbitration treaty with the U[nited] S[tates], we cannot go back on that undertaking. No doubt there would be advantages in keeping the extension in hand for 4 years and so ensure the Japanese being of good behaviour for that time; still I do not believe that we need fear their denouncing within that period the tariff they have just conceded us.

In any case we could presumably extract from them a promise that they would not do so in negotiating the modification and extension.

F. A. C.
5/4.

I think Sir C. MacDonald has not viewed the question from all points of view.

A. N.

Bring up to-morrow, when I will draft a telegram or despatch in reply.⁽⁴⁾

E. G.
5.4.11.

⁽¹⁾ [*v. supra*, p. 511, No. 415.]

⁽²⁾ [*v. infra*, telegram to Washington, pp. 560-1, No. 464.]

⁽³⁾ [Not reproduced, *v. supra*, p. 501, No. 404, note ⁽¹⁾.]

⁽⁴⁾ [*v. infra*, p. 514, No. 419.]

Sir C. MacDonald to Sir Edward Grey.

Tôkiô, April 6, 1911.

F.O. 12775/1827/11/23.

D. 4·25 P.M.

Tel. (No. 15.) Secret.

R. 4·15 P.M.

My immediately preceding Tel[egram].⁽¹⁾

M[inister for] F[oreign] A[ffairs] referred yesterday after dinner celebrating the publication of the signature of the new Commercial Treaty to the modifications in Alliance Agreement which might be necessary to suit our proposed unlimited Arbitration Treaty with America.

H[is] E[xcellency] informed me very confidentially that a Cabinet meeting had been held that morning at which modifications had been discussed and the main proposals practically decided upon. These were elimination of Articles 3 and 6 relating to Corea and Russia respectively. Japanese Gov[ernmen]t further considered that Art[icle] 3 relating to Corea was a quid pro quo for Art[icle] 4 by which Japan bound herself to help in safeguarding the security of our Indian Frontier. As Art[icle] 3 was no longer necessary Japanese Gov[ernmen]t would propose that a new Article be inserted in the same terms as Article 4 substituting Japanese for Indian Frontier.

M[inister for] F[oreign] A[ffairs] further said he thought that 10 years would be suitable period for the extension it might be advisable to wait until it was seen what form American proposals took but even if they failed, he thought negotiations for the modification and extension of Alliance Agreement might commence forthwith.

MINUTES.

I annex copy of the Alliance.⁽²⁾

M. W. L.

It is obvious that articles 3 and 6 are obsolete, nor does article 4 appear to be of importance in view of article 2. I do not, however, understand what is intended by the retention of article 4 substituting Japanese for Indian frontier, unless the Japanese wish to obtain our consent to interference by them in Manchuria if and when they consider such a course necessary. We must have fuller information as to this.

R. H. G.

I agree that Art[icle]s 3 and 6 are obsolete, and that Art[icle] 4—our right to take what measures seem to us necessary on the Indian frontier, does not seem very necessary. It goes without saying and by art[icle] 2 Japan is bound to assist us if we are attacked.

As regards art[icle] 3 we should have to see the text proposed by Japan before considering it. The matter is unintelligible at present.

But should we not first say that we should prefer to wait and see what comes of the American negotiations?

F. A. C.

6/4.

A. N.

Bring up on Monday.

E. G.

8.4.11.

I do not see much object in retaining Article 4: it contemplates action beyond the Indian frontier. If such action became necessary we could discuss it with Japan under Article I. If we retain Article 4 Japan wants a corresponding article for herself which presumably contemplates action in Manchuria. I should suggest omitting Article 4 as well as Article 3.

Consult the I[ndia] O[ffice] on this proposal.⁽³⁾

E. G.

(1) [v. immediately preceding document.]

(2) [v. *Gooch & Temperley*, Vol. IV, pp. 165-9, No. 155.]

(3) [This was done on April 12, 1911. (F.O. 12775/1827/11/23.) A comment by Mr. Campbell written in the margin at this point says: "It [? the new Article 3] must be made secret. F. A. C."]

No. 419.

*Sir Edward Grey to Sir C. MacDonald.*F.O. 12605/1827/11/23.
Tel. (No. 19.) Secret.Foreign Office, April 7, 1911.
D. 1 P.M.Your telegram No. 14 (of Ap[ri]l 5).⁽¹⁾

It is too late to act upon considerations urged in your telegram No. 14, now that expression of my personal opinion has been confirmed to Japanese Ambassador as decision of His Majesty's Government.

There would have been gravest objection to allowing Japanese Alliance to be an obstacle for four years to an unlimited Arbitration Treaty with America. Alliance would then have become unpopular, apprehension that it might not be renewed would have grown rapidly, and must have affected seriously both Japanese naval shipbuilding and our own in next few years.

These considerations outweigh those urged by you on other side. Modification without extension would have created presumption that treaty would not be renewed.

Extension suggested by me was only ten years from date of modification; this would not extend beyond 1921, as modification contemplated would presumably take place this year.

(1) [*v. supra*, p. 512, No. 417.]

No. 420.

*Sir C. MacDonald to Sir Edward Grey.*F.O. 18105/1827/11/23.
(No. 90.) Secret.
Sir,Tôkiô, D. April 8, 1911.
R. May 13, 1911.

I have the honour to report as follows with regard to the proposed modification and extension for a further term of years of the Anglo-Japanese Alliance, which formed the subject of your despatches Nos. 11 and 13 of the 16th and 20th January⁽¹⁾ both received here on the 9th March.

The Japanese Ambassador in London stated as reported in your despatch No. 13 that "the Alliance could be adjusted to the Treaty with the United States when the time came for the Alliance to be renewed." His Excellency said further that "it would be possible at any time to revise the Alliance Agreement in some way which would secure that difficulties arising with the United States should be excepted from it." Mr. Kato also mentioned that the Article about Corea would require to be modified, and one or two other alterations made at the same time. In reply to this it was pointed out to His Excellency that "there was ample time, for no proposals had as yet been received from the United States, and the principle of an unlimited Treaty of Arbitration had not even been brought before His Majesty's Government, nor had the question of the Japanese Alliance been mentioned in connection with it."

It will be seen that so far there had been no question of extending the Alliance for a further term of years, but only of revising or amending it when the proper time arrived. I heard no more of this question until I received on the 30th March your telegram No. 16,⁽²⁾ dated the previous day, telling me that the Japanese Ambassador in London had been informed that His Majesty's Government agreed that any modification of our Alliance to suit an unlimited Arbitration Treaty between the

(1) [*v. supra*, pp. 504-5, Nos. 406 and 407.](2) [*v. supra*, p. 511, No. 415.]

United States and ourselves should be accompanied by an extension for a further term of years, but before discussing an amended draft of the latter His Majesty's Government proposed waiting until a draft of an Arbitration Treaty was under discussion.

This information of a proposed extension of the Alliance for a further term of years came as a great surprise to me and I lost no time in sounding Count Komura on the subject and found that the Japanese Ambassador in London had already communicated the consent of His Majesty's Government to an extension as soon as a draft of the Unlimited Arbitration Treaty between the American Government and ourselves was under consideration.

Count Komura expressed great satisfaction at the above decision, but went further and stated that it would be desirable, even if no draft were presented by the American Government that the Anglo-Japanese Alliance should be taken in hand quite irrespective of the Arbitration Treaty, and be amended and at the same time extended for a further period beyond the four and a half years it had yet to run. His Excellency said that no actual decision had been taken by his colleagues in the Cabinet but he was strongly of opinion that this was the wiser course.

I made no comment beyond pointing out that I considered it would be better if the amendment of the Alliance took place only after the negotiations for the Arbitration Treaty had made some progress, for I thought that these negotiations would show in what manner the Alliance Agreement could best be amended. It was evident that the Japanese Government were exceedingly anxious that the Alliance Agreement should be extended at the earliest possible moment. I thought it therefore my duty to lay before you without delay certain considerations which in my opinion should be carefully weighed by His Majesty's Government before they consented to so early an extension of the Agreement.

I was aware from your telegram No. 16 that Mr. Kato had already been informed of the Cabinet's decision to extend the Alliance at the same time that it was modified, but as it was proposed to wait till a draft of the Arbitration Treaty was under consideration I thought that there might yet be time to take some of my arguments into consideration.

Had I been informed sooner that it was intended to consent to an extension as well as to a modification I should have placed these considerations before His Majesty's Government at an earlier date.

Immediately on ascertaining from Count Komura the views of the Japanese and their anxiety for an early extension I despatched my telegram No. 14 of April 5th,⁽³⁾ pointing out that the next few years in which the Alliance had yet to run would be of great importance to Japan and that her policy in Corea, in Manchuria and in China generally during these years would be a valuable indication to us whether we should renew the Alliance at its expiration or not. I also pointed out what a useful lever in the past the Alliance had been, and that in my opinion the tariff concessions we had received in the recently concluded Treaty of Commerce and Navigation were mainly granted owing to a fear (on the part of the Japanese) that the Alliance might not be renewed by reason of the bad feeling which Japan's fiscal policy had aroused in England, and I thought the uncertainty of renewal would be a check to any unnecessarily forward policy on the part of Japan.

On the evening of the day on which I despatched the above telegram the Minister for Foreign Affairs gave his usual annual banquet to celebrate the Anglo-Japanese Alliance with which was associated on this occasion the signing of the new Treaty of Commerce and Navigation. After dinner I had conversations of some length with the Prime Minister and Count Komura and ascertained that at a Cabinet meeting held that day, the modifications of the proposed new Anglo-Japanese Agreement had already been discussed, and practically decided upon. These modifications were mainly the elimination of Articles III and VI of the present Agreement, and the introduction of

(³) [*v. supra*, p. 512, No. 417.]

an Article in which Great Britain should guarantee the new land frontier of Japan in the same terms, and to the same extent as the latter Power guarantees in Article IV the security of our Indian frontier.

Count Komura pointed out that by Article III of the present Treaty Great Britain recognises the right of Japan to take such measures in Corea as she may deem necessary to safeguard and advance her interests therein. As she has now annexed Corea this Article is no longer necessary. Article VI dealing as it does with a condition of things which happily no longer exists, namely war between Russia and Japan, is also unnecessary. Count Komura went on to say that his Government considered that Article III in which Great Britain recognised Japan's rights in Corea was a *quid pro quo* for Article IV in which Japan recognised the special interests of Great Britain in all that concerned the security of the Indian frontier, and her right to take measures in the vicinity of that frontier to guard her Indian possessions: as therefore the Corean Article would, in the amended Agreement, disappear, his Excellency thought that an Article should be introduced by which Great Britain might recognise the special interests which Japan had in the vicinity of her new land frontier. His Excellency invited my views on this point. I said that the question was one of such great importance that I did not feel qualified to give any opinion without much more consideration than the present opportunity afforded.

With regard to the period of the extension, Count Komura said that he thought that ten years from the present time would be a suitable one, though it might be advisable to wait until the nature of the American proposals was more fully known; but even if these fell through he thought that as it was almost certain that the American Government would again bring the question of an unlimited Arbitration Treaty forward and continue to do so until one was signed, the negotiations for a modification and extension of the Alliance Agreement might be commenced as soon as possible. The Prime Minister mentioned to me it would be a particular source of gratification to the Japanese Government if the Alliance could be renewed now, because, as His Excellency reminded me, it was entered into by the Government not now in power; if renewed by the present Government it would show that it had the joint support and approval of both Parties of the State.

The gist of this conversation I had the honour to report by telegraph.⁽⁴⁾

From all of the above it will be seen that the Japanese Government are eager to extend the Alliance for a further period and are already prepared with the modifications they desire carried out, one of which at any rate relating to Japan's new frontier furnishes food for serious reflection.

Since writing the above I have received your telegram dated yesterday,⁽⁵⁾ pointing out that as His Majesty's Government's decision with regard to the extension of the Alliance Agreement had already been imparted to the Japanese Ambassador, it was too late to act upon the considerations urged in my telegram No. 14,⁽⁶⁾ giving further reasons why they could not be accepted, and pointing out that a presumption would be created that the Alliance would not be renewed if it were now only modified and not extended.

While admitting that my views as to the desirability of delaying the extension until the expiration of the Agreement in 1915 have been communicated so late as to render it extremely difficult for His Majesty's Government to act upon them, I still venture to hope that though a modification of the Agreement might with great advantage be made now, its definite extension at the present juncture should if possible be avoided.

The Argument that the Alliance would, for the four and a-half years it has still to run be an obstacle to an unlimited Arbitration Treaty with the United States is one which I think can be met, for the modified Agreement would of course contain a

⁽⁴⁾ [v. *supra*, p. 513, No. 418.]

⁽⁵⁾ [v. *supra*, p. 514, No. 419.]

⁽⁶⁾ [v. *supra*, p. 512, No. 417.]

clause excepting the United States and any Arbitration Treaty we might conclude with the latter Power from its provisions.

I have, &c.

CLAUDE M. MACDONALD.

MINUTES.

Practically all this has been received already by telegraph.

At present the India Office are in consultation with the Gov[ernmen]t of India with regard to a suggestion that the "Indian frontier" might well be eliminated from the revised Alliance.

In the penultimate paragraph of this despatch the Ambassador expresses the hope that the extension of the Alliance may not be definitely carried out at the present juncture. But he knows that the Cabinet have already decided to do so and that the Japanese Ambassador has been so informed.

Presumably the signature of the Arbitration Treaty with America would precede the extension and revision of the Alliance: it should be observed that Japan is anxious to proceed with the revision *forthwith*.

M. W. L.

We cannot go back now as regards extension, but we can adhere to the view that the American Arbitration treaty should come first.

F. A. C.

15/5.

A. N.

To modify without extending would create a most undesirable impression: it would arouse apprehension, whether when the time came it would be extended at all.

It is impossible to wait till the last date before deciding to extend it. Shipbuilding programmes depend to some extent upon it and must be settled some time in advance.

E. G.

No. 421.

Sir Edward Grey to Mr. Bryce.

F.O. 14310/1827/11/23.

(No. 171A.) Secret.

Sir,

Foreign Office, April 13, 1911.

The United States Ambassador told me to-day that, when he was in the United States recently, the one rock ahead in the way of a Treaty of unlimited Arbitration seemed to be the Japanese Alliance. Several people had spoken of it as an obstacle, and he knew that it was causing some difficulty in the mind of his Government.

I said that I had instructed you not to say anything about it until the United States Government mentioned it, and I must also ask him not to say any thing about it yet, but as a matter of fact we had foreseen this difficulty, and when the time came we should arrange to except Treaties of unlimited Arbitration from the operation of the Alliance, so that the latter would not entail any obligation to violate them and go to war. When, in order to overcome difficulties in the Senate, or for any other reason, it was necessary for the United States Government to deal with this point publicly, I would consult the Japanese Government as to what statement should be made. But I impressed upon the Ambassador that nothing should be said, and that he should not report anything to his Government, until I had consulted the Japanese. In view, however, of the apprehension of which he had spoken, I thought it right to assure him that every thing would be arranged satisfactorily when the time came to adjust it.

[I am, &c.]

E. G[REY].

Sir Edward Grey to Sir C. MacDonald.

F.O. 14311/1827/11/23.

(No. 77.) Secret.

Sir,

Foreign Office, April 13, 1911.

I told the Japanese Ambassador to-day what had just passed between the United States Ambassador and myself about the Japanese Alliance and Treaties of unlimited Arbitration.⁽¹⁾

The Japanese Ambassador then raised the point of what would happen if two Powers went to war with Japan, one of the Powers having an unlimited Arbitration Treaty with England, and the other not. In a case of this sort, one of the Powers would be excluded from the operation of the Alliance and the other would not.

I said that, if the cause of the war was one which was covered by the Alliance, we should be bound to go to war too. and fire upon the ships of one of the Powers, and not on the ships of the other. The situation would be very anomalous, but it was difficult to see how it could be provided for by an Article in the Alliance, and I doubted whether it was necessary to make any special provision for it. The Ambassador said the point was rather one of theory.

[I am, &c.]

E. G[REY].

⁽¹⁾ [v. immediately preceding document.]

Sir C. MacDonald to Sir Edward Grey.

F.O. 19648/1827/11/23.

(No. 96.) Secret.

Sir,

Tôkiô, D. April 24, 1911.

R. May 23, 1911.

At an interview I had with Marquis Komura this afternoon His Excellency expressed his gratification at seeing me before my departure to England because he particularly wished me to convey to my Government the views of the Japanese Government as to the present situation in China, which they considered gave cause for very serious consideration. He personally was of opinion, and the Prime Minister Prince Katsura entirely agreed with him, that the next ten years would be very momentous ones in the Far East, and that there were elements in China which, unless carefully watched and guarded against, might lead to very serious trouble. There were, he thought, two sources of danger; the first was the granting of a Constitution to the Chinese people which event would take place the year after next. At all times, and amongst all peoples, the convoking of a national assembly and the granting to the masses powers and privileges which they had not possessed before, was attended with unrest, culminating sometimes in grave disorder; this was even the case when the Central Authority was a strong one and capable of making its power felt and respected, but this was far from being the case in China at the present time when the Central Government was weak and commanded very little respect. The Prince Regent was well meaning, but young and inexperienced, and nearly all the members of the Grand Council were ignorant, self-seeking, and given to intrigue. The granting of a Constitution to a people who, like the Chinese, were not prepared for it, who did not indeed understand what it meant, whose rulers were weak and incapable, might well lead to grave disorders and consequent complications with foreign Powers.

The second source of danger was that China now thought of nothing but borrowing, without apparently giving a thought as to how the sums borrowed could be repaid. These sums were ostensibly for reforms which were, for the most part

excellent in their way, but the Japanese Government were very sceptical as to whether the money borrowed would be expended in carrying the reforms into effect. Moreover as soon as the National Assembly came into being, further reforms would be clamoured for, necessitating the raising of more loans. Even if the money borrowed were honestly expended in carrying out reforms, the advantages, and revenues accruing from these reforms, would be some time before they became apparent. This would lead to discontent and disorder, and possibly international complications and intervention.

Japan's political and commercial relations with China, His Excellency went on to say, were of a very important, indeed vital character, and he ventured to think that Great Britain's interests were equally important. He thought therefore that Japan and Great Britain should stand together in matters Chinese, and he had consequently instructed, as a first step, the Japanese Representative in Peking to maintain the closest relations with his English colleague. Personally he thought that the European Powers and America were not sufficiently alive to the dangers ahead in China, and he hoped that when I went home I would bring the views he had expressed to the notice of the British Government, and that at any rate the British Representative in China might be instructed to keep in close touch with his Japanese colleague.

His Excellency then went on to speak of the proposed Anglo-American unlimited Arbitration Treaty and its probable effect on the Anglo-Japanese Agreement. He repeated what he had said on previous occasions, which I have duly reported in my despatches No. 58 of March 16⁽¹⁾ and No. 90 of April 8⁽²⁾ as to the advisability of a revision of the Alliance Agreement quite irrespective of the making of an unlimited Arbitration Treaty with the United States. The Japanese Government had received information which led them to believe that such a Treaty would not materialize, at any rate this session, mainly on account of the jealousy of the Senate, but the President who was committed to the scheme of unlimited arbitration would without doubt continue to bring it forward each succeeding session. The Japanese Government thought therefore that the Alliance Agreement might be revised without further delay, and that it should contain an article to the effect that "the provisions of the Revised alliance agreement would not apply when either of the Contracting Parties has concluded a Treaty of unlimited arbitration with a third Power, unless the third Power joins or is joined by one or more other Powers with whom either of the Allies has not concluded a Treaty of unlimited Arbitration." The above was taken down by me at Marquis Komura's dictation.

Marquis Komura said that he considered the present outlook in China was a sufficient warrant for a revision of the Alliance.

During the interview His Excellency made no mention of an extension of the Agreement for a further term of years. I also avoided the subject.

With regard to His Excellency's observations as to the danger ahead in China in the immediate future, I said I would of course report his views to my Government.

Marquis Komura spoke with great earnestness with regard to events in China which are undoubtedly causing the Japanese Government very great anxiety. Equally without doubt the Japanese Government would very much like to come to an agreement with us regarding joint action in case of troubles in China. Whether such an agreement would be to our advantage requires, I venture to think, very serious reflexion.

I have, &c.

CLAUDE M. MacDONALD.

MINUTES.

The question of co-operation with Japan in China has already been gone into; but it has not been received with favour here.

As regards Marquis Komura's remarks on the iniquities of borrowing by China, we must remember that Japan is not included in the recent £10,000,000 loan and consequently may be feeling a little sore on the subject of foreign loans in general.

(1) [v. *supra*, pp. 506-8, No. 409.]

(2) [v. *supra*, pp. 514-17, No. 420.]

The remarks with regard to the revised Alliance have already reached us: the full draft has already been communicated by the Japanese Ambassador, and is at present under investigation.

Copy to Peking (Secret).

Sir C. MacDonald is to see Sir E. Grey to-day.

M. W. L.

B. A.

23/5.

As regards cooperation in China, it would seem very unwise to pledge ourselves now to cooperate with Japan in circumstances which have not arisen and of which we know nothing. No one can possibly foretell what will happen in China. It may suit us and the Japanese to cooperate and we may be glad to do [it] in certain circumstances if and when they arise but the circumstances must arise before a decision can be taken. In the meantime all we can do is to keep each other informed and exchange ideas as to the actual situation.

China has certainly been borrowing a good deal lately (two loans amounting together to £16,000,000 with power to raise £4,000,000 additional) but if they are really reproductive and there is control over the expenditure to prevent half the funds sticking in the pockets of the Mandarins, this is not necessarily bad finance, as was I remember explained by Lord Cromer in one of his reports on Egypt, and he was a most cautious man in regard to finance.

Railways for instance China must have if she is to become prosperous, but they must be paying lines, and not such as was suggested the other day by Russia across the Gobi desert!

I think Sir C. MacDonald might speak to Marquis Komura somewhat in this sense on his return to Tokio.

I will deal separately with the question of the Alliance Agreement.

F. A. C.

23/5.

A. N.

We do not want to be drawn into intervention in China. I must discuss the reply to this amongst other things with Sir C. MacDonald before he returns to Tokio.

E. G.

Let Sir C. MacDonald see these minutes.

F. A. C.

No. 424.

Sir Edward Grey to Mr. Rumbold.

F.O. 17910/1827/11/23.

(No. 98A.) Secret.

Sir,

Foreign Office, May 8, 1911.

I showed the Japanese Ambassador to-day the enclosed draft of an additional Article which I thought might prevent any conflict between the renewed Japanese Alliance and a Treaty of general or unlimited Arbitration with any other Power.

He observed that the Article which I had shown him did not provide for certain contingencies. Supposing, for instance, that Japan became involved in war with the United States, and Germany joined the United States; what would happen if Great Britain had an unlimited Arbitration Treaty with the United States, and none with Germany?

I said that we should clearly be bound to go to war, if the Alliance entailed it, with Germany, and not with the United States. The situation would be very anomalous, but it would be a complicated matter to provide for it in the Arbitration Treaty.

The Ambassador then suggested another contingency: that Japan was at war with Germany, that we under the Alliance came to the assistance of Japan, and that the United States subsequently came in to help Germany.

I replied that, in this case, it would not be a question of our going to war with the United States, but the United States going to war with us. I thought this was a contingency which, if provided for at all, should be provided for in the Arbitration Treaty with the United States. Later on, perhaps, I might mention it to the United

States, and ask what they thought about it. First of all, I should like to see the draft of the Treaty with the United States. The Ambassador emphasized the fact that the contingencies he had suggested were very remote and most improbable and he had only mentioned them in order to raise the question of whether contingencies of that kind should be provided for in advance.

The Ambassador said that he had noticed questions in Parliament as to consulting the Governments of the Colonies about Foreign Affairs such as the Alliance with Japan.

I told him that we would not probably discuss the Alliance with Japan at a meeting of the Imperial Conference itself, but would take some other occasion, when it could be done quite secretly, of informing the Prime Ministers of the self-governing Dominions of our intention to extend the Alliance, and of our reasons for doing so.

[I am, &c.]
E. G[REY].

Enclosure in No. 424.

*Additional Article to the Agreement between Great Britain and Japan
signed at London, August 12, 1905.*

Signed at _____, 191

Provided always and it is hereby agreed that should either Great Britain or Japan respectively become involved in war with any third Power with which Japan or Great Britain respectively shall have concluded a Treaty of $\frac{\text{unlimited}}{\text{general}}$ Arbitration which continues in force nothing in this Agreement shall entail upon Japan or Great Britain (as the case may be) the obligation of going to war with such third Power.

No. 425.

Sir Edward Grey to Mr. Rumbold.

F.O. 19617/1827/11/23.

(No. 110.) Secret.

Sir,

Foreign Office, May 17, 1911.

The Japanese Ambassador gave me to-day the enclosed draft, which his Government had drawn up, of a revised Treaty of Alliance with us.

I said that I was glad to have it, and we would consider it simultaneously with the suggestion I had made to him for a revision of the Treaty.

The Ambassador said he understood our opinion to be that, if the Arbitration negotiations with the United States fell through or were indefinitely delayed, it would nevertheless be desirable to conclude a revision and extension of the Japanese Alliance.

I said that my desire was that the two should be concluded simultaneously; but in answer to a question from him some time ago I had expressed the opinion that, when the question of continuing the Alliance was raised, it would be better to put all doubts at rest by revising and prolonging it. My personal opinion as to procedure was this: if the Arbitration negotiations with the United States could be concluded before Parliament rose, about the middle of August, then of course the revision of the Alliance must be concluded at the same time; but if for one reason or another the negotiations with the United States did not come to anything in the present Session, I thought we had better conclude negotiations with the Japanese Government in such a way that the result might be ready when Parliament met next year. Comment

had been created last time the Alliance was extended, because the fact was published two or three days after Parliament had risen; and, when there was a choice of time, it was preferable to conclude these things rather when Parliament was sitting than at another time.

As there was a prospect that we might soon receive the American draft of an Arbitration Treaty,⁽¹⁾ I should wait till that arrived before coming to a final decision as to the draft of a new Anglo-Japanese Alliance. There might be something in the American draft which would throw some light upon how the modification of the alliance should be worded.

[I am, &c.]
E. G[REY].

Enclosure in No. 425.

Draft of revised Anglo-Japanese Treaty of Alliance.

Preamble.

The Government of Japan and the Government of Great Britain, having in view the important changes which have taken place in the situation since the conclusion of the Anglo-Japanese Agreement of August the 12th, 1905, and believing that a revision of that Agreement responding to such changes would contribute to general stability and repose, have agreed upon the following stipulations to replace the Agreement above-mentioned, such stipulations having the same object as the said Agreement, namely;

- (a) The consolidation and maintenance of the general peace in the regions of Eastern Asia and of India;
- (b) The preservation of the common interests of all Powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China;
- (c) The maintenance of the territorial rights of the High Contracting Parties in the regions of Eastern Asia and of India, and the defence of their special interests in the said regions:—

ARTICLE I.

It is agreed that whenever, in the opinion of either Japan or Great Britain, any of the rights and interests referred to in the preamble of this Agreement are in jeopardy, the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ARTICLE II.

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any Power or Powers either Contracting Party should be involved in war in defence of its territorial rights or special interests mentioned in the preamble of this Agreement, the other Contracting Party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it.

ARTICLE III.

Great Britain having a special interest in all that concerns the security of the Indian frontiers, Japan recognizes her right to take such measures in the proximity of those frontiers as she may find necessary for safeguarding her Indian possessions, and reciprocally Japan having a special interest in all that concerns the security of her frontiers, Great Britain recognizes her right to take such measures in the proximity of those frontiers as she may find necessary for safeguarding her possessions.

⁽¹⁾ [The United States' draft was received in London on May 29, *v. infra*, pp. 570-3 No. 473, *encl.*]

ARTICLE IV.

The High Contracting Parties agree that neither of them will, without consulting the other, enter into separate arrangements with another Power to the prejudice of the objects described in the preamble of this Agreement.

ARTICLE V.

Should either High Contracting Party conclude a Treaty of Unlimited Arbitration with a third Power, it is agreed that nothing in this Agreement shall entail upon such Contracting Party an obligation to go to war with the Power with whom such Treaty of Arbitration is in force unless such third Power joins or is joined by one or more other Powers in war against the other Contracting Party.

ARTICLE VI.

The conditions under which armed assistance shall be afforded by either Power to the other in the circumstances mentioned in the present Agreement, and the means by which such assistance is to be made available, will be arranged by the Naval and Military authorities of the Contracting Parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ARTICLE VII.

The present Agreement shall come into effect immediately after the date of its signature, and remain in force for ten years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, ipso facto, continue until peace is concluded.

In faith whereof, the Undersigned, duly authorized by their respective Governments, have signed this Agreement, and have affixed thereto their Seals.

Done in duplicate at London, the day of

No. 426.

Mr. Rumbold to Sir Edward Grey.

F.O. 24761/1827/11/23.

(No. 139.) Secret.

Sir,

Tôkiô, D. May 26, 1911.

R. June 26, 1911.

Marquis Komura informed me, at his weekly reception yesterday, that he had received a telegram from the Japanese Ambassador at Washington containing the substance of a statement, given out by the Department of State, describing the main features of the Draft of the proposed unlimited Arbitration Treaty between Great Britain and the United States which had been handed to Mr. Bryce for submission to His Majesty's Government.⁽¹⁾ His Excellency then gave me an outline of the draft Treaty which, apparently, amongst other things provided that, where a matter in dispute between Great Britain and the United States had been referred to the Commission to be set up under the Treaty, the terms of submission must, in each case, be submitted to the Senate for the approval of that body. The Minister went on to say that, supposing from motives of jealousy, or obstruction, or for other reasons, the Senate rejected the terms of submission, a deadlock would ensue. In other words His Excellency said "Great Britain would have to look on whilst the Senate took, or did not take action." He wondered what view His Majesty's Government would take of this feature of the draft Treaty.

⁽¹⁾ [*v. infra*, pp. 570-3, No. 473, *encl.*, where a copy of the United States' draft is reproduced.]

I said that once the principle that every conceivable question arising between Great Britain and the United States must be submitted to arbitration had been accepted by the two Governments and embodied in a Treaty, the Senate would only stultify itself before the world by obstructing or hindering the execution, whenever necessary, of the provisions of that Treaty. Nevertheless, His Excellency considered that the Senate could, and conceivably might, nullify the intention of the two Countries.

Marquis Komura said that of course the Japanese Government were deeply interested in the fate of the proposed unlimited arbitration Treaty in view of its effect on the Anglo-Japanese Alliance. I told him that I had just read the despatch in which you had recorded a conversation with the Japanese Ambassador in which Mr. Kato had raised the theoretical point as to what would happen if two Powers went to war with Japan, one of the Powers having an unlimited arbitration Treaty with England and the other not.⁽²⁾ His Excellency stated that he was aware of this conversation and then proceeded to imagine the two following cases. Both cases presupposed the existence of an unlimited Arbitration Treaty between Great Britain and the United States. The first of these cases was a war between Japan and the United States. In this case Great Britain need take no action. But if, during the course of the war, the United States were to invoke military assistance from Germany, the Alliance would come into operation. In the other case His Excellency supposed a war between Germany and Japan in the course of which the United States joined the former Power. Again the Alliance would come into operation, and how would it be possible for Great Britain to distinguish between, or separate the two enemies. He said that his personal view in the two abovementioned cases was that, from the moment the United States invoked the assistance of another Power in a war against Japan or joined another Power in such a war, they would be violating the Arbitration Treaty with England. I said that it seemed to me that the logical deduction from His Excellency's view was that the Alliance would, in the contingencies in question, practically force the United States, at the risk of war, to observe the Arbitration Treaty with Great Britain. He said that that was what he meant, and that it proved that the Alliance was an effectual guarantee of peace. The Minister added, in this connection, that he had instructed Mr. Kato, on the 17th instant, to submit to you the draft of the proposed renewed Treaty of Alliance, with such changes as the Japanese Government considered were called for by the altered political circumstances of the day.⁽³⁾ He thought that it would be useful to you to be able to consider the draft of the proposed unlimited Arbitration Treaty and that of the Alliance Treaty simultaneously.

Having noticed telegrams in the local press categorically stating that the United States had informally opened negotiations for the conclusion of a Treaty of Arbitration with Japan I asked Marquis Komura what truth there was in this report. He said that there was no truth in it whatever but that, if at any time the United States Government were to propose such a Treaty to Japan, the latter would examine the proposal very carefully. His Excellency said that it seemed quite natural that the British and North American nations, being of the same blood and having a common language, and having regard to the fact that a large portion of the British Empire is contiguous to the United States, should wish to conclude an unlimited Arbitration Treaty together. Japan was in a different case. I understood His Excellency to say that, given the situation and present development of this country, arbitration treaties, even limited in scope, required careful consideration. How much more carefully therefore must the principle of unlimited arbitration be examined?

I have, &c.

HORACE RUMBOLD.

(2) [Unsigned marginal comment by Mr. Greg: "Presumably No. 98[A] of May 8." (*v. supra*, pp. 520-1, No. 424.)]

(3) [*v. supra*, pp. 521-3, No. 425, *encl.*]

No. 427.

Sir Edward Grey to Mr. Rumbold.

F.O. 20654/1827/11/23.

(No. 118.) Secret.

Sir,

Foreign Office, May 26, 1911.

I informed the Japanese Ambassador to-day that, as it was part of our policy, now that the Self-Governing Dominions had separate fleets and forces, to consult them on matters of foreign policy, we had discussed with them the prolongation of the Japanese Alliance. The proposal had met with cordial and unanimous approval.

I told the Ambassador that, as no doubt he knew, some of the Dominions were apprehensive of what I might call such a pacific invasion of their territory by Japanese as would displace their own population. But Sir Wilfrid Laurier had expressed himself as perfectly satisfied with the arrangement which he had made with the Japanese Government as regards Canada; and I had impressed upon the Ministers of the other Dominions that I was quite sure the Japanese Government, though they might naturally find difficulty in controlling the free movements of their population, did not wish it to go to distant places, but preferred that it should turn to Korea, Manchuria, and other regions in the neighbourhood of Japan.

The Japanese Ambassador expressed great satisfaction at the attitude of the Dominions towards the Japanese Alliance. He entirely endorsed what I had said as to the policy of his Government with regard to Japanese emigration. He said that his Government were disposed by the Alliance to do what they could to prevent movements of Japanese emigration that were disagreeable to us. If there were no Alliance, they might be less able to influence the free movements of Japanese.

I said that we should now consider the draft of a new Treaty of Alliance⁽¹⁾ simultaneously with the American draft of a Treaty of Arbitration when we received it.⁽²⁾ But, as the Dominions Representatives had agreed so cordially to the extension of the Alliance, my personal opinion was that we had better proceed with it, even if the Arbitration negotiations with the United States hung fire.

I am, &c.

E. GREY.

⁽¹⁾ [*v. supra*, pp. 522-3, No. 425, *encl.*]⁽²⁾ [*v. infra*, pp. 570-4, No. 473, *encl.*]

No. 428.

Sir Edward Grey to Mr. Rumbold.

F.O. 25251/1827/11/23.

(No. 134.) Very Confidential.

Sir,

Foreign Office, June 26, 1911.

I explained to the Japanese Ambassador to-day that we should prefer to omit altogether the Article in the Alliance as to operations beyond the Indian frontier. We thought that a new Article such as the Japanese had suggested, contemplating operations on their part beyond Korea, would be regarded in some quarters as an indication of designs upon Manchuria, and would attract considerable attention. Of course, either Government might be compelled to [under]take operations beyond their own immediate frontiers, in order to secure their interests. For instance, we might be forced to do so in Bhutan or Nepal, if there was trouble with China. But these contingencies were, I thought, sufficiently provided for by Section C in the Preamble.

I then proceeded to discuss the new Article to be introduced in consequence of the Arbitration Treaty now pending with the United States. I pointed out that this Article with the addition proposed by the Japanese Government, beginning at the word "unless," would be criticised as compelling us to go to war with the United States under certain contingencies. We wished that there should be nothing in the

Treaty that entailed upon us an obligation to go to war with the United States, and we should therefore like to omit the sentence beginning at "unless."

On the other hand, I realised that Japan would expect it to be made quite clear that, though we were free from an obligation to go to war with the United States,—(the country intended by the words "third Power" in the Article,)—if the United States were at war with Japan, and some other country, such as Germany, joined the United States, Great Britain would not argue that because Germany was the ally of the United States, and Great Britain was under no obligation to go to war with the United States, therefore Great Britain could not go to war with a fourth Power, such as Germany, even if the terms of the Alliance demanded it.

If the Japanese Government preferred, we should agree to a new Article instead of the one now drafted, to be as follows:—"As Great Britain is engaged in negotiating a Treaty of General Arbitration with the United States, it is agreed that nothing in this Agreement shall entail upon Great Britain an obligation to go to war with the United States."

The Japanese Ambassador promised to refer these matters to his Government. He asked me whether, if they agreed to these suggestions, I thought that the Treaty should be signed at once, and when did I think that it should be published?

I said that I thought the sooner it was signed and published the better. My object in pressing on the discussion now was that, in case the Arbitration Treaty with the United States went to the Senate next month, and the Senators who were not well disposed made the Japanese Alliance an obstacle to the Treaty, and the United States Government asked us for assurances, we might reply by publishing the terms of the Alliance. This would be much better than giving assurances to the United States Government to be used publicly in the Senate.

[I am, &c.
E. GREY.]

No. 429.

Sir Edward Grey to Mr. Rumbold.

F.O. 26233/1827/11/23.

(No. 141.)

Sir,

Foreign Office, July 4, 1911.

The Japanese Ambassador informed me to-day that his Government substantially conceded the two points which we desired in the revised Anglo-Japanese Alliance.⁽¹⁾ They agreed to the omission of the proposed new Article Three.

They would have preferred to retain it, but in deference to our view, and especially owing to the fact that we were prepared to omit the old Article which referred to the frontiers of India, they did not insist. That point was, therefore, settled.

They were also prepared to substitute the word "general" for "unlimited," and to omit the words at the end of Article Five, beginning at "unless," provided that we agreed that the Memorandum which he gave me was an accurate description of the situation.

I read the Memorandum, and observed to him that the operative part of it, and our assent to it, would have to be published with the Treaty if that was the solution to be adopted. It would not do to publish the Treaty and to have a secret Memorandum about it.

The Japanese Ambassador saw the force of this, and appeared ready to contemplate publication.

I then asked him whether his Government had considered our alternative suggestion, of a new Article specially excepting the United States.

He replied that his Government had considered it. But they felt that an Article mentioning the United States by name might make it appear as if a modification of

⁽¹⁾ [*v.* immediately preceding document.]

the Alliance had been made specially for the benefit of the United States, and this might be regarded as invidious in Japan.

I inferred him to mean that Japanese public opinion might think that the alteration had been made by us at the request of the United States.

The Ambassador also explained that the article which we proposed was unilateral: it did not provide for a corresponding exception for Japan from liability to go to war. As for what I had said in favour of this Article, that it would make it quite clear that the question of an Arbitration Treaty with any Power other than the United States being an exception to the Alliance would not be covered, he felt that the conclusion of a Treaty of general Arbitration with any further Power would be so important a matter that it would be one on which the Governments would always have to consult.

I said that I would bring his communication to the notice of His Majesty's Government, and let him have a reply as soon as possible.

[I am, &c.]
E. G[REY].

Enclosure in No. 429.

Memorandum.

(Communicated by Baron Kato.)

In excluding from the operation of the Alliance Agreement any third Power with which either of the Allies has in force a treaty of general arbitration, the Imperial Government have considered that it would be necessary to insert in the clause bearing on the subject a proviso to the effect that such exclusion should be inoperative in case such third Power joined or was joined by one or more other Powers in hostilities against the other Ally, but the Imperial Government have no wish to introduce into the agreement any unnecessary stipulations. Accordingly they are quite prepared for the entire suppression of the proviso in question if His Britannic Majesty's Government are well satisfied that the eventualities which it was intended to guard against are already foreseen and fully met without such proviso, it being the understanding of the two Allies that (1) in case a third Power not having in force a treaty of general arbitration with one of the Allies should contemplate joining with a Power having in force such treaty in war against the other Ally, it would be incumbent on the Ally having such treaty to exhaust its best effort, to the extent of using its armed forces, to prevent such contemplated coalition, and (2) in case a third Power having in force a treaty of general arbitration with one of the Allies should join with another Power against the other Ally in war in which the Ally having such treaty is under obligation to take part, the action of such third Power could only be construed as an attack against both Allies, and such third Power would naturally have to take necessary consequences of such action.

No. 430.

Mr. Rumbold to Sir Edward Grey.

F.O. 30759/30759/11/23.

(No. 196.) Secret.

Sir,

Tôkiô, D. July 7, 1911.

R. August 4, 1911.

Marquis Komura held his last official weekly reception to-day before the commencement of what is termed here "the summer vacation."

His Excellency was unusually communicative on this occasion, and, of his own initiative, reviewed the various important questions in which this country is at present interested.

He began by talking of the revised Treaty of Alliance, and said that his Government had agreed to omit altogether Article 3 of the Japanese Draft—as well as the words in Article 5 commencing “unless such third Power.” The Japanese Government felt, however, that it was necessary to have some understanding—recorded either by a secret exchange of notes, or in some other manner—as to what would happen in, he admitted, the very remote contingency contemplated in the proviso which had been struck out of Article 5. It was essential to have some understanding of the kind for the guidance of the naval and military authorities. To use his own expression, “we must know where we are;” and he added that he had instructed Mr. Kato to present a memorandum to you on the subject.⁽¹⁾

Marquis Komura said that he understood that the Australian Prime Minister had, in the course of the discussions at the Imperial Conference, raised the question of the possibility of Japanese wishing to emigrate to Australia. His Excellency said that the Japanese Government would never countenance the emigration of their nationals to countries unwilling to receive them.

He then turned to the subject of the so-called Four Power Loan to China, and said that, by your courtesy in communicating to the Japanese Government a copy of the Agreement, his Government had been enabled to examine its probable effect on Japanese interests in Manchuria. The only objectionable feature of the Agreement, in the view of the Japanese Government, was the vague wording of the Article pledging the Chinese Government to first invite the banks, making the loan of ten millions sterling, to provide, if required, further funds for the continuation or completion of the operations contemplated under the Agreement. His Excellency considered that the last sentence of the article in question, in which allusion is made to “Manchurian business,” opened up all sorts of possibilities. A more precise wording of this Article was desirable.

Marquis Komura expressed great satisfaction at the successful termination of the fur-sealing conference. He understood that the Agreement was to be signed to-day. The Japanese Government were now engaged in calculating the probable value of the percentage of the American and Russian land-catches which had been secured by Japan at the Conference.

I enquired of His Excellency whether his Government had yet come to a decision with regard to their attitude when the Russian Government notified to them their intention to extend the present three mile limit off the coasts of the Pri-Amur to 12 miles. He replied that the matter was still under consideration and that no notification on the subject had yet been received by the Japanese from the Russian Government.

Finally, Marquis Komura said that the summer promised to be a quiet one in Japan. The subject which was at present uppermost in the minds of the Japanese public was the contemplated purchase, by the Tokyo Municipality, of the tramway system of the city. It was high time the Municipality acquired the tramways in view of the Great Exhibition of 1917. It was estimated that 150 more miles of tram lines would be required by that date and the Government could not rely on the Tramway Company to extend their system to such an extent. The Company would naturally place the interest of their shareholders before those of the public. His Excellency thought that the purchase of the tramway system would prove a profitable investment for the Municipality in a few years' time and the Government intended to create a special bureau to deal with the management of the tramways in order to ensure efficiency and economy in working.

His Excellency seemed full of animation but looked very worn, and, I thought, far from well.

I have, &c.

HORACE RUMBOLD.

(1) [v. immediately preceding document.]

Sir Edward Grey to Mr. Rumbold.

F.O. 26998/1827/11/23.

(No. 144.) Secret.

Sir,

Foreign Office, July 7, 1911.

I informed the Japanese Ambassador to-day that the Government had considered the Memorandum⁽¹⁾ which he had suggested in connection with the Treaty of Alliance.

We thought that it would be a cumbrous way of dealing with the point. It would have to be published, and would give rise to endless questions as to exactly what was meant by it. We were therefore of opinion that the best way of dealing with the question would be to mention the United States by name. Canada was now on such good terms with the United States, and there was such a growing feeling of friendliness between the public opinion in this country and that on the other side of the Atlantic, that it was clear that we could not undertake any obligation which would involve us in war with the United States.

We should therefore prefer to have the form of words which I had previously suggested: "As Great Britain is engaged in negotiating a Treaty of general Arbitration with the United States, it is agreed that nothing in this Agreement shall entail upon Great Britain an obligation to go to war with the United States," and, to meet an objection which the Ambassador had previously urged, to the effect that we might be engaged for a long time in negotiating a Treaty with the United States without actually concluding one, we were willing to replace the words "As Great Britain is engaged in negotiating" by the words "Should Great Britain conclude." But, to meet the point raised by the Ambassador, that this arrangement would be unilateral, I would suggest instead of the words proposed above a bi-lateral form: "it is agreed that nothing in this Agreement shall entail upon either Great Britain or Japan an obligation to go to war with the United States." It seemed to us that this would be the simplest and most satisfactory way of meeting the point.

The Ambassador said that he would refer this to his Government; but he asked whether we were still prepared to accept, if they preferred it, Article 5 without the concluding words, beginning at "unless," and standing by itself without any Memorandum.

I said that we must accept that, because it was our original proposal though we should prefer to mention the United States by name. But I would point out that, from the Japanese point of view, it might be represented that Article 5 would enable Great Britain to whittle away her obligations under the Treaty of Alliance, if she was inclined to conclude Treaties of general Arbitration with other Powers besides the United States; and that, unless Japan was equally disposed to conclude such Treaties, the obligations of Great Britain under the Treaty of Alliance might be very much reduced, whereas the obligations of Japan would remain undiminished. I observed that this was a point rather for the Japanese to consider than for us, but from the Japanese point of view it seemed to me a natural objection to take, and it would be completely avoided by the use of words that mentioned the United States.

The Japanese Ambassador said that he would telegraph to his Government, and he hoped to get a reply by Monday.

[I am, &c.]
E. G[REY].

⁽¹⁾ [*v. supra*, p. 527, No. 429, *encl.*]

No. 432.

Sir Edward Grey to Mr. Rumbold.

F.O. 27221/1827/11/23.

(No. 147.) Secret.

Sir,

Foreign Office, July 10, 1911.

The Japanese Ambassador informed me to-day that his Government would agree to Article 5, omitting the words beginning at "unless." They preferred this to the other suggestions, and in deference to our wish they would abandon the idea of any Memorandum, such as they had proposed last week.⁽¹⁾

He then told me that, after signature, the Japanese Government would like to have at least two days before publication. They had to consult the Privy Council, though this was a matter of form, and they wished to communicate the Treaty before publication to the United States, France, and Russia. In communicating it, his Government would say that its object was the firm establishment of peace in the Far East, and that the modification of some of the clauses had been made because of changes which had taken place in the affairs of the world.

I said that I would bring the matter before the Cabinet to-morrow. There would be no difficulty as to a delay of two days between signature and publication. I would consider whether we also should communicate the Treaty before publication to the three countries he had named. I assumed that his Government had selected these three countries because they had special agreements with them.

The Ambassador replied that this was the case, though the agreements were of course not of the same scope as the alliance with us.

In the course of conversation, he again said that his Government expected that we should communicate with them before concluding any Treaty of general Arbitration with a Continental Power.

I said that we should certainly communicate with them. But, as a matter of fact, the Great Continental Powers, Russia, France, Germany, Austria, and Italy, all had European Alliances, and there could be no question of any Arbitration Treaty with them over-ruling our Alliance with Japan, unless it also over-ruled the Franco-Russian Alliance or the Triple Alliance. It was as much for us as for them to raise the question of how Alliances would be affected by a Treaty of Arbitration. In the case of the United States it was different, as they had no Alliance.

[I am, &c.]

E. G[REY].

⁽¹⁾ [*v. supra*, p. 527, No. 429, *encl.*]

No. 433.

Sir Edward Grey to Mr. Bryce.⁽¹⁾

F.O. 27468/1827/11/23.

Tel. (No. 200.)

Foreign Office, July 12, 1911.

D. 12·6 P.M.

An agreement will be signed tomorrow revising the Anglo-Japanese Alliance in some particulars and prolonging it for ten years from this date. I understand that your Japanese colleague is instructed to communicate the full text to

U[nited]	S[tates]	Gov[ernmen]t	} on Friday on behalf of Japanese Gov[ernmen]t.
Russian			
French			

⁽¹⁾ [This telegram was repeated to Paris as No. 173, and to St. Petersburg as No. 334.]

You should make a similar communication verbally stating that the object of the agreement is to continue to preserve the stability and peace now existing in the Far East to which existing agreements between $\left. \begin{array}{l} \text{U[nited] S[tates]} \\ \text{Russia} \\ \text{France} \end{array} \right\}$ and Japan already contribute.

It is unnecessary to telegraph full text, which will be published on Saturday: till publication it should be treated as confidential.

No. 434.

Sir Edward Grey to Mr. Bryce.

F.O. 27469/1827/11/23.

Tel. (No. 201.)

Foreign Office, July 12, 1911.

My telegram No. 200.⁽¹⁾

In making communication to U[nited] S[tates] Gov[ernmen]t you should give a copy of full text of new article, which is as follows:—

“ Article 4. Should either high contracting party conclude a treaty of general arbitration with a third Power, it is agreed that nothing in this agreement shall entail upon such contracting party an obligation to go to war with the Power with whom such treaty of arbitration is in force.”

You should express the hope that the U[nited] S[tates] Gov[ernmen]t will appreciate the desire that Great Britain and Japan have shown to remove any possible obstacle to progress of arbitration.

⁽¹⁾ [*v. immediately preceding document.*]

No. 435.

Sir Edward Grey to Mr. Rumbold.

F.O. 28077/1827/11/23.

(No. 156.) Confidential.

Sir,

Foreign Office, July 13, 1911.

With the Japanese Ambassador to-day I signed the renewal of the Anglo-Japanese Alliance.⁽¹⁾

He expressed his satisfaction at its signature, and I did the same, saying that the prolongation was a great advantage, as otherwise people would soon have begun to discuss the question of whether the Alliance would be renewed or not.

I went on to say that, in one sense, the Alliance had served its purpose, for it had introduced a state of stability into the Far East that could not have been achieved without it. But this was really a reason for continuing it: for if the Alliance had lapsed, an element of instability would have been introduced which would have made it impossible to preserve the settled state of things that had now been established.

⁽¹⁾ [Article IV contemplated a treaty of general arbitration between Great Britain and the United States, but the expectation was frustrated by the Senate. A treaty was signed at Washington on September 15, 1914, by which all disputes were referred to a special Investigation Commission. The British Government informed the Japanese Government that it regarded this treaty as equivalent to a treaty of general arbitration, and that the condition mentioned in Article IV of the treaty of 1911 had thereby become operative. This contention was accepted by the Japanese Government. *v. infra*, ch. LXX, pp. 540-648, *passim*.]

I informed him of the message which I had instructed Mr. Bryce to give to the United States Government respecting the desire of the British and Japanese Governments, shown by the revision of the Alliance, to remove obstacles from the path of arbitration.⁽²⁾

[I am, &c.]
E. G[REY].

(²) [*v.* immediately preceding document.]

No. 436.

Agreement between the United Kingdom and Japan.⁽¹⁾

Signed at London, July 13, 1911.

Preamble.

The Government of Great Britain and the Government of Japan, having in view the important changes which have taken place in the situation since the conclusion of the Anglo-Japanese Agreement of the 12th August, 1905, and believing that a revision of that Agreement responding to such changes would contribute to general stability and repose, have agreed upon the following stipulations to replace the Agreement above mentioned, such stipulations having the same object as the said Agreement, namely :

- (a.) The consolidation and maintenance of the general peace in the regions of Eastern Asia and of India ;
- (b.) The preservation of the common interests of all Powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China ;
- (c.) The maintenance of the territorial rights of the High Contracting Parties in the regions of Eastern Asia and of India, and the defence of their special interests in the said regions :—

ARTICLE I.

It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this Agreement are in jeopardy, the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ARTICLE II.

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any Power or Powers, either High Contracting Party should be involved in war in defence of its territorial rights or special interests mentioned in the preamble of this Agreement, the other High Contracting Party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it.

(¹) [This text has been taken from the original which is preserved in the Foreign Office series, Original Treaties (Japan No. 34). It is printed in *A. & P.* (1911), CIII, (*Cd.* 5735), pp. 375-8.]

ARTICLE III.

The High Contracting Parties agree that neither of them will, without consulting the other, enter into separate arrangements with another Power to the prejudice of the objects described in the preamble of this Agreement.

ARTICLE IV.

Should either High Contracting Party conclude a treaty of general arbitration with a third Power, it is agreed that nothing in this Agreement shall entail upon such Contracting Party an obligation to go to war with the Power with whom such treaty of arbitration is in force.

ARTICLE V.

The conditions under which armed assistance shall be afforded by either Power to the other in the circumstances mentioned in the present Agreement, and the means by which such assistance is to be made available, will be arranged by the Naval and Military authorities of the High Contracting Parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ARTICLE VI.

The present Agreement shall come into effect immediately after the date of its signature, and remain in force for ten years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, *ipso facto*, continue until peace is concluded.

In faith whereof the Undersigned, duly authorised by their respective Governments, have signed this Agreement, and have affixed thereto their Seals.

Done in duplicate at London, the 13th day of July, 1911.

[L.S.]

E. GREY,

*His Britannic Majesty's Principal Secretary of
State for Foreign Affairs.*

[L.S.]

TAKAAKI KATO,

*Ambassador Extraordinary and Plenipotentiary
of His Majesty the Emperor of Japan at
the Court of St. James.*

No. 437.

Mr. Bryce to Mr. Knox.⁽¹⁾

F.O. 34518/1139/11/45.

Dear Mr. Secretary,

Sealharbour, Maine, July 13, 1911.

I have pleasure in informing you that an agreement will be signed to-morrow in London, revising in some particulars, the existing Anglo-Japanese Treaty and prolonging it for a period of ten years from that date.

The full text of the Treaty has not yet reached me but I understand that my Japanese Colleague at Washington is instructed to communicate it to you to-morrow.

⁽¹⁾ [Enclosed in Mr. Bryce's despatch No. 206 A, D. August 14, R. September 2. (F.O. 34518/1139/11/45.) The despatch is not reproduced. It stated that this communication had been made to the Secretary of State, but that no answer to it had been received.]

I am, however, in a position to inform you that the Treaty in its revised form contains a new Article, of which the full text is as follows: (Here followed text of the New Article).⁽²⁾

In communicating the above to you I gladly take this opportunity of stating that the object of the agreement is to continue to preserve the stability and peace now existing in the Far East, to which the agreements now existing between the United States and Japan already contribute. And I venture at the same time to express the hope that the United States Government will appreciate the desire which Great Britain and Japan have shewn to remove any possible obstacle to the progress of arbitration, a cause in the promotion of which, as both Governments are well aware, the Government of the United States is most sincerely interested. The full text of the Agreement will be published on Saturday next. May I request you to be so good as to regard it as confidential until that day.

[I am, &c.
JAMES BRYCE.]

⁽²⁾ [Thus in original. *v. supra*, p. 533, No. 436, Article IV.]

No. 438.

Baron Kato to Sir Edward Grey.

F.O. 27781/1827/11/23.

Dear Sir Edward Grey,

Japanese Embassy, London, July 14, 1911.

I am requested by the Imperial Government to convey to His Britannic Majesty's Government an expression of their cordial Congratulations upon the renewal of the Alliance, sincerely believing, as they do, that the new pact is in an enlarged sense a pact of peace and general repose, and also the assurance of their warm appreciation of the friendly and conciliatory spirit manifested by you and your government throughout the whole negotiations.

I would have asked for an interview to give the above message to you, but, having been informed that you are out of town, I write these lines in order to deliver the same without delay.

I am,
Yours sincerely,
TAKAÁKI KATO.

No. 439.

Sir Edward Grey to Baron Kato.

F.O. 27781/1827/11/23.

Dear Monsieur Kato,

Foreign Office, July 17, 1911.

I have received with much pleasure the note of the 14th inst[ant,]⁽¹⁾ in which you convey to H[is] M[ajesty's] G[overnment] the congratulations of H[is] I[mperial] J[apanese] M[ajesty's] Gov[ernmen]t upon the renewal of the Alliance, and their appreciation of the friendly spirit shown on this side throughout the negotiations.

I beg Y[our] Ex[cellency] to be good enough to inform your Gov[ernmen]t that H[is] M[ajesty's] Gov[ernmen]t very cordially reciprocate their congratulations and friendly sentiments, and are glad of the opportunity of expressing their gratification at the renewal of the Alliance and of placing on record their appreciation of the

⁽¹⁾ [*v. immediately preceding document.*]

courteous and helpful part that Y[our] Ex[cellency] has taken and of the friendly spirit that the Japanese Gov[ernment] has shown throughout these negotiations.

H[is] M[ajesty's] Gov[ernment] cannot but hope and trust, with the Imp[erial] Jap[anese] Gov[ernment], that the result will further tend to secure peace and stability in the Far East, and thus ensure the object which the two countries have in view.

[I have, &c.]
E. G[REY].

No. 440.

Sir G. Buchanan to Sir Edward Grey.

F.O. 28728/1827/11/23A.

(No. 209.)

St. Petersburg, D. July 18, 1911.

Sir,

R. July 22, 1911.

I have the honour to state that yesterday's "Novoe Vremya" contains a leading article on the subject of the renewal of the Anglo-Japanese Treaty.

The moderate Conservative organ observes that the new Treaty contains two important innovations, the result of changing political conditions. Great Britain no longer binds herself to support Japan by arms in a conflict with Powers with which Great Britain has concluded a general Arbitration Agreement; and Japan is no longer bound to render armed assistance to Great Britain in case of complications on the north western frontier of India.

Russia, remarks the "Novoe Vremya" never proposed to attack England's Indian possessions. Only the most exceptional circumstances could have impelled her to such a step. The exclusion from the Anglo-Japanese Treaty of the Article relating to the defence of India has therefore no immediate practical significance, but the decision to exclude it cannot but be considered as a note-worthy proof of the change that has taken place in British public opinion. The Anglo-Japanese Treaty which formerly was a sort of weapon in England's hands against Russia has now become a mutual insurance arrangement against undefined contingencies but no longer levelled against this country.

Russia might on no less grounds than the United States conclude a Treaty of Arbitration with England. She has no occasions for an armed conflict with England or even the possibility of engaging in such a conflict. England cannot send her "Dreadnoughts" up the River Moskva and Russia cannot land an army on the banks of the Thames. A Treaty for the arbitral settlement of all Russia's private differences with England without exception would be justified by the real conditions of the political and geographical relations between the two countries and it would, so far as Russia is concerned, blunt what edge there remains of the Anglo-Japanese Treaty. Even as things now stand the new Treaty shows the influence of the Anglo-Russian Agreement concerning the Middle East which was concluded by M. Iswolsky.

I have, &c.

GEORGE W. BUCHANAN.

No. 441.

Question asked in the House of Commons, July 19, 1911.⁽¹⁾

Mr. Hunt asked whether the Colonial Governments were consulted in the drafting of the new treaty with Japan?

Mr. Harcourt: The Prime Ministers of the self-governing Dominions were consulted before the Alliance was renewed, and unanimously approved of the renewal.

⁽¹⁾ [*Parl. Deb., 5th Ser., House of Commons, Vol. 28, p. 1018.*]

No. 442.

Question asked in the House of Commons, July 20, 1911.⁽¹⁾

Viscount Wolmer asked whether the draft of the recent Anglo--Japanese Treaty was shown to the Prime Ministers of the over-sea Dominions at the Imperial Conference; whether they approved of it; whether the Dominions are thereby committed to the treaty in a greater degree than merely as parts of His Majesty's Empire; and whether the Japanese Government were informed as to what course of action would be pursued by the Dominions should Great Britain be involved in a war under Article 2 of the treaty.

Sir E. Grey: I must refer the Noble Lord to the reply given by the Colonial Secretary to a question on this subject yesterday. The action to be taken by the Dominions in any war in which His Majesty's Government may be engaged is a matter to be considered by His Majesty's Government in consultation with the Dominions, and is not one for discussion with any foreign Government.

⁽¹⁾ [*Parl. Deb., 5th Ser., House of Commons, Vol. 28, p. 1257. For the answer referred to by Sir Edward Grey v. immediately preceding document.*]

No. 443.

Question asked in the House of Commons, July 24, 1911.⁽¹⁾

Viscount Wolmer asked whether the Anglo-Japanese alliance relates to Persia or any part of Persia; whether the territorial rights referred to in Sub-section (c) of the Preamble include the British rights in the portion of South-Eastern Persia delimited in the Anglo-Russian agreement of 1907 as the British sphere; and whether the geographical area to which the alliance relates has been in any way affected by the omission of Article 4 of the Anglo-Japanese Treaty, 1905?

Mr. McKinnon Wood: The answer to the points raised in this question is in the negative.

⁽¹⁾ [*Parl. Deb., 5th Ser., House of Commons, Vol. 28, p. 1438.*]

Question asked in the House of Commons, July 27, 1911.⁽¹⁾

Viscount Wolmer asked how, in the event of an attack upon either party to the Anglo-Japanese alliance by two or more allied Powers with whom one of the contracting parties has concluded an arbitration treaty, the terms of the alliance would apply?

Mr. McKinnon Wood: The terms of Article IV. of the Treaty clearly show that in no case is either of the contracting parties obliged to go to war with a third Power with whom either of them may have concluded a treaty of general arbitration.

(¹) [*Parl. Deb., 5th Ser., House of Commons, Vol. 28, p. 1794.*]

Mr. Rumbold to Sir Edward Grey.

F.O. 33589/1827/11/23.

(No. 22.) Confidential.

Sir,

Tôkiô, D. July 29, 1911.

R. August 26, 1911.

I asked the Vice-Minister for Foreign Affairs to-day whether he had been satisfied with the way in which the conclusion of the revised Alliance Agreement had been received in this country. *Mr. Ishii* replied in the affirmative and said that only the "yellow press" showed any discontent with or desire to criticise the terms of, the Agreement.

A fortnight having now elapsed since the Agreement in question was made public, it is possible to venture an opinion as to the impression produced, as far as it is possible to judge, on the Japanese press by a more deliberate study of that instrument. The renewal of the Alliance has, it now appears to me, been received very calmly although, as I had the honour to report to you in my despatch No. 209 of the 17th instant,⁽¹⁾ the Japanese Government, in an official communiqué, attributed to themselves the initiative in extending the Agreement and in modifying its terms. One or two reasons perhaps account for this unusually calm reception.

In the first place the revised Agreement took the public by surprise. They knew that the Agreement of 1905 had still four years to run. Had an extension or renewal in a modified form of that Agreement taken place about, or nearer the date of, its expiration, the likelihood and prospects of such renewal would have been discussed beforehand at great length and in all its bearings by the press of this country. Such discussion was, in the present instance, entirely precluded by the rapidity and secrecy with which the negotiations were concluded. In fact, as there was no anticipation, there has been a corresponding absence of enthusiasm.

In the second place it may be said that Article 4, in the minds of many, is held to weaken the Alliance. It must be borne in mind that the two nations—parties to the Alliance—look upon Arbitration Treaties from very different standpoints. Great Britain may be said to be in possession of all the territory she can possibly want and to be mainly concerned to preserve the status quo. Japan, on the other hand, is a growing Power. She would probably be unwilling to admit that she had attained to her full potential development. Speaking generally she is not yet convinced either of the desirability or efficacy of Arbitration Treaties—certainly not of such as are unlimited in scope. It is, therefore, not surprising if some persons, whilst admitting that a Treaty of unlimited Arbitration between two countries of the same blood and origin is in the natural order of things, ask themselves why, in order to allow of the conclusion of such a Treaty, the Alliance Agreement should, even nominally, appear to be weakened. It was inevitable that the publication of the revised Agreement would

(¹) [Not reproduced. It merely reported the opinions of the Japanese Newspapers on the renewal of the Alliance. (F.O. 31183/1827/11/23.)]

lead to a discussion of the relations between Japan and the United States, and to the chances or otherwise of a war between them. Whilst, probably, no Japanese ever seriously thought that Great Britain would take sides with Japan in a war against the United States, the fact that, under the Alliance of 1905, she was pledged to assist Japan in certain contingencies, might be held, by a Japanese, to have been sufficient to deter the United States from doing anything to provoke a conflict with his country. Article 4 has altered the position, and some may argue that the moral force, resulting from the Alliance of 1905, has disappeared. In reply to this line of reasoning it may be observed that Great Britain being still in alliance with Japan and on the point of concluding an unlimited Treaty of Arbitration with the United States is, perhaps, in a better position than ever to exercise sufficient moral pressure to prevent the latter from taking any steps in Manchuria or elsewhere likely to encounter justifiable opposition from Japan. There seems to be a general feeling that if Japan has difficulties with the United States, these will proceed from American action in China proper or Manchuria. The publication of the terms of the currency loan Agreement including the—to the Japanese—objectionable Article 16, took place so shortly before that of the revised Alliance Agreement as probably to emphasise, in the minds of the Japanese people, the necessity for watching American activity in the three Provinces. As an instance of the modification in the tone of one of the principal papers in Tokyo—the “*Jiji Shimpō*”—in writing of the Alliance, I venture to quote the substance of an extract from a leading article which appeared in that paper on the 26th instant, whilst referring you to my despatch No. 209 of the 17th instant in which I had the honour to report the remarks of the “*Jiji*” on the morrow of the publication of the Revised Alliance Agreement. On the present occasion the “*Jiji*” observes that America’s activity in China, producing a serious change in international relations, seems to menace the interests of Japan and Russia in Manchuria, while the new Alliance Agreement, as a result of Article 4, makes perceptible a marked disturbance of Japan’s position in the Far East. England is freed by the Japanese Government from responsibility under the Treaty vis-à-vis America and the latter’s activity in Manchuria seems to be approved. The Japanese Foreign Office Authorities and the American press interpret Article 4 as proving that Japan has no provocative intentions against the United States, but America has not made any similar declaration, so that the Japanese Government have unilaterally relinquished a portion of the rights secured by the old Treaty. The paper goes on to allude to certain negotiations which are stated to be in progress at Washington with a view to the recognition by the United States of Japan’s special position in Manchuria. These negotiations no doubt have a direct bearing on the solution of the Currency Loan question and it is said the [*sic*: that] His Majesty’s Government are affording friendly assistance.

A few voices are raised in favour of a large expansion of armaments—this having been rendered necessary by the modification of the Alliance. The advocates of naval and military expansion, amongst whom are of course several officers on the active list, contend that Japan has now been thrown on her own resources and must take measures accordingly. They omit to state from what sources the funds for such an expansion of armaments are to be derived.

It is held in some quarters that another effect of the Revised Alliance—combined with American activity in Manchuria—will be to render even closer the relations between Japan and Russia. Telegrams have appeared in the press mooted the conclusion of an unlimited Treaty of Arbitration between England and Russia, but I have not yet noticed any comments in the Japanese press as to the effect which such a Treaty—if concluded—would, in the opinion of that press, have on the Alliance.

I have, &c.

HORACE RUMBOLD.

No. 446.

Sir C. MacDonald to Sir Edward Grey.

F.O. 37180/2582/11/23.

(No. 249.)

Tôkiô, D. August 31, 1911.

Sir,

R. September 22, 1911.

I have the honour to transmit to you herewith a summary of minor events in Japan during the month of August which has been drawn up by Mr. Henderson, 3rd Secretary in this Embassy.

I have, &c.

CLAUDE M. MACDONALD.

Enclosure in No. 446.

*Summary of Minor Events in Japan during August 1911.**. . . . 3. Arbitration Treaty. Count Hayashi's Views.*

It is interesting in connection with Count Hatashi's [*sic*] new position in the Cabinet as Minister of Communications and temporarily Minister for Foreign Affairs to note an article by that statesman which appeared recently in the "Jiji Shimpô" on the subject of the Anglo-American Arbitration Treaty. Count Hayashi states that the general trend of opinion in Japan appears to be that the Arbitration Treaty was urged by the special relations of the two countries vis-à-vis Japan. He points out that this is a very narrow and one-sided view which does not take into account the ever increasing tendency among civilized nations to substitute arbitration for war.

In the case of Great Britain he states that however important the Anglo-Japanese Alliance is, it is equally urgent for her to preserve amicable relations with the United States: that it is in short a very prejudiced view to consider the conclusion of such an agreement as aimed at Japan when it is but the development of a growing world tendency.

The opinions expressed by Count Hayashi are welcome in view of the suspicions which are undoubtedly rather widely held in this country as to the ultimate objects of the new Arbitration Treaty, which is popularly considered as an attempt by America to strengthen her position against Japan.

CHAPTER LXX.

ANGLO-AMERICAN ARBITRATION, 1910-1914.

I.—THE GENERAL ARBITRATION TREATY OF
AUGUST 3, 1911.

[ED. NOTE.—*Anglo-American Arbitration Treaties and Projects.*

The Pauncefote-Olney Arbitration Treaty, as signed on January 11, 1897 (*A. & P.* (1897), CII, (*Cd.* 8331), pp. 429-35), had an extremely wide scope. It included as subjects for arbitration "all questions in difference between them which they (the High Contracting Parties) fail to adjust by diplomatic negotiation." Territorial disputes were however excepted from this procedure and were to be dealt with in a special manner. The duration of the treaty was for five years. The Treaty was commended by both Presidents Cleveland and McKinley but was rejected by the Senate on May 5, 1897, by 43 to 26. Further details will be found in R. B. Mowat, *Life of Lord Pauncefote*, (1929), pp. 167-71. It is evident from Lord Salisbury's letters to Lord Pauncefote (*cp.* pp. 165-6) that Olney and President Cleveland were more anxious than he for a successful conclusion to the negotiation. In some quarters the defeat was attributed to the Senate alone, but this suggestion does not seem to be fully proved. President McKinley considered—in conjunction with Lord Pauncefote—but ultimately rejected a proposal for presenting a new draft to the Senate.

Arbitration was promoted by discussion at the first Hague Conference in 1899, by the creation of a Permanent Court of Arbitration. An Anglo-French Arbitration Treaty (*v. Gooch & Temperley*, Vol. II, pp. 261-2, No. 319, p. 289, No. 352, p. 290, No. 353, p. 291, No. 354, p. 301, No. 360 and *encl.*, p. 303, No. 362, p. 311, No. 368, pp. 318-9, No. 371) was ultimately signed on October 14, 1903 (*v.* pp. 318-9, No. 371, p. 319, No. 372), and was followed by others, notably by an Anglo-Italian Arbitration Treaty (*Gooch & Temperley*, Vol. II, p. 318, note ⁽¹⁾). The form of these served as a model to the United States Government. The important clause is that given in the Draft Agreement with France (*Gooch & Temperley*, Vol. II, p. 301, No. 360). This provides for settlement of differences of a legal nature or of interpretation of Treaties, which diplomacy had not settled, by reference to the Permanent Court of Arbitration established at the Hague by the Convention of July 29, 1899. A reservation was made of questions affecting the vital interests, independence or honour of the States concerned. To this form the United States proposed to add a clause "by and with the advice and consent of the Senate." Agreements were suggested with Great Britain and some half dozen other States. President Roosevelt and Secretary of State John Hay were much disappointed when the Senate sought to make amendments in each case to the Treaty, "before any given matter should go forward to arbitration." A. L. P. Dennis, *Adventures in American Diplomacy*, N.Y. (1928), p. 479. The President considered that "this amendment makes the treaties shams," January 6, 1905. *Correspondence of Roosevelt and Henry Cabot Lodge*, N.Y. (1925), Vol. II, pp. 110-2, and withdrew the treaties in February. (*v.* J. B. Bishop, *Theodore Roosevelt and his Time*, N.Y. (1920), Vol. I, pp. 435-6.) His statement (February 10, 1905) was "I learn that the Senate Committee on Foreign Relations has reported the Arbitration treaties to the Senate, amending them by substituting for the word 'agreement' in the second article the word 'treaty.'"

"The effect of the amendment is to make it no longer possible, as between its contracting parties, to submit any matter whatever to arbitration without first obtaining a special treaty to cover the case. This will represent not a step forward but a step backward. If the word 'treaty' be substituted, the result is that every such agreement must be submitted to the Senate; and these general arbitration treaties would then cease to be such, and indeed in their amended form they amount to a specific pronouncement against the whole principle of a general arbitration treaty."

On February 11, 1905 the Senate ratified their amendment and on February 13 President Roosevelt withdrew the treaties. Mr. Root, who succeeded Mr. Hay, accepted the Senate's amendment and the Arbitration Treaties were ultimately ratified with the seven governments in that form and with seventeen others during the years 1908-9. The Treaty with Great Britain was of April 4, 1908 (*A. & P.* (1908), CXXV, (*Cd.* 4179), pp. 907-10). It contained a reference to the concurrence of a self-governing dominion of the British Empire; *cp.* also a reference to the attitude of the Canadian Government (*infra*, p. 621, No. 532), and the view of Sir John Simon (*v. infra*, Minute of March 13, 1914, pp. 626-7, No. 538.)

Mr. Bryce to Sir Edward Grey.

F.O. 29768/29768/10/45.

(No. 175.)

Sir,

Dublin, N.H., D. August 9, 1910.

R. August 16, 1910.

Having gone to Beverly, the summer residence of the President, on August 5th to bid him good-bye before quitting the United States on leave, I had some general conversation with him two or three parts of which seem to be worth reporting to you. He had asked me to accompany him on his official yacht, the MAYFLOWER, to Provincetown, Massachusetts, where a memorial tower to commemorate the first land-touching of the Pilgrim Fathers was to be dedicated, but as I had a month previously declined, owing to the death of His late Majesty, an invitation to attend and speak at this function, it was not possible for me to accept Mr. Taft's agreeable invitation.

When I asked the President whether he had yet appointed the Commissioners who are under the recent Joint Resolution of Congress to consider the subject of the reduction of armaments and other measures tending to the promotion of international peace he replied that he had not done so, and was rather at a loss to know whom to select, because some of the persons who might seem obvious in respect of their activity in connection with peace movements might not be the fittest to handle so difficult a subject with delicacy and discretion. As he invited suggestions from me, I mentioned the names of two eminent men who would be sure to carry weight; and he said he would try to secure them. He had already invited one eminent person who had declined. Though he complained that Congress had, as he said, almost hamstrung the scheme by the insufficiency of the appropriation—\$10,000,—they had made for the purpose, he seemed anxious to do what could be done to try to get some good practical result out of the Commission and said that the appointment of it was one of the things which would take him back to Washington in the end of September earlier than he had intended.

From this the conversation turned to the question of the conclusion of general arbitration treaties of broader scope than those hitherto negotiated. He had some time ago publicly expressed the opinion that "questions of national honour" ought not to be excepted from the general Treaties of Arbitration,⁽¹⁾ a sentiment which was much commented on and well received here, and he thought that such General Treaties ought to embrace all differences. I observed that even if it were found necessary to except any questions from arbitration in the strict sense of the term, there might be an undertaking invariably to allow some third Power or Powers or some Tribunal to interpose for the purposes of Conciliation, a method which while available in cases where arbitration would be refused, might often prove equally efficacious. He seemed to think that a good example would be set to the rest of the world if the United States and Great Britain were to conclude a Treaty of Arbitration of the wider scope he had indicated; and I am inclined to believe that any intimation of a willingness on the part of His Majesty's Government to take such a step would be welcome to him. He referred to the difficulties which had been raised by some Senators when Mr. Hay submitted his General Arbitration Treaty, and expressed the opinion that the legal view they had taken was erroneous. I observed that even in the form in which Mr. Root had got his Treaties through those treaties were valuable, for the moral obligation to go to arbitration was recognized, although a special agreement had to follow in each case. He agreed to this, and remarked that anyhow the Senate was now changing fast and the new members might prove more reasonable if such a wider treaty as we had been discussing were now submitted, than their predecessors had been.

The question of reciprocity tariff negotiations with Canada having been mentioned he repeated what he had said last April, that he hoped arrangements

⁽¹⁾ [*cp. infra*, p. 542, *Ed. note.*]

might be secured which would effect a reciprocal lowering of duties on natural products. He is evidently aware of the difficulties of touching duties on manufactured articles.

Finally the subject of my projected visit to Panama having come up, he spoke very warmly of Mr. Mallet, His Majesty's representative there, saying his relations with the United States authorities had been very good and that Mr. Mallet had often rendered efficient help when difficulties arose with British West Indian coloured labourers. Mr. Taft is himself to visit Panama in November and probably thinks that it is just as well for him to be out of the way at the time of the Congressional elections in that month, for his position between the two sections of his party in Congress is a delicate one.

I have, &c.

JAMES BRYCE.

MINUTE.

The agreement with Japan has five years to run and it would be very unfortunate to have to postpone negotiations all that time, supposing a real opportunity arose, although I recognize the paramount importance of maintaining our Treaty engagements unimpaired. It would be awkward to have to explain to the U[nited] S[tates] G[overnment]t that we could not conclude this arbitration on account of our alliance with Japan but that may be the only way if the question is pressed.

I make the suggestion with diffidence, but would it be practicable to suggest unofficially the possible inclusion of Japan in such an arbitration Treaty? Perhaps opinion in America would hardly be ripe for that but if it could be arranged, a source of danger to peace would be eliminated and a great step forward made.

L. M.

Sir E. Grey,

If you think anything of the proposal to bring Japan into a general arbitration agreement with the United States there is this advantage as a matter of tactics. We could not tell the U[nited] S[tates] G[overnment]t that we can't sign such a Treaty for 5 years because of our alliance with Japan. It would be a nasty reminder of our engagements under that agreement and bring the Anglo-Jap[ane]se Agreement into disrepute here.

If, on the other hand, we approached the Jap[ane]se Amb[assado]r confidentially and sounded him, I do not see why the Japanese G[overnment]t should refuse. If they accepted we could then tell the U[nited] S[tates] G[overnment]t that we should be ready to conclude and are bringing our ally with us, in order to make it possible for us to conclude it at once.

Should the U[nited] S[tates] G[overnment]t refuse, the onus would be on them.

L. M.

Sept[ember] 8.

I will discuss this when I am in London.

E. G.

10.9.10.

There is no need to say anything to the U[nited] S[tates] till they approach us: but the Japanese Ambassador should be asked to come to see me on the 26th⁽²⁾ or 30th when I shall be in London and I will then tell him that some arbitration proposal may come from the U[nited] S[tates of] A[merica], that we shall accept it but tell the U[nited] S[tates of] A[merica] that it must be governed by the provisions of the Japanese Alliance, and I will ask the Japanese whether they would like us if and when anything is proposed to us to propose that as the Japanese are our allies the U[nited] S[tates of] A[merica] to prevent any conflict between the Arbitration Treaty and the Alliance should propose a similar Treaty to the Japanese.

E. G.

14.9.10.

(2) [*v. supra*, p. 503, No. 405.]

[*ED. NOTE*.—The reference to President Taft's public statement in the above despatch is probably to be identified with a speech made on March 22, 1910, to the Peace and Arbitration Society in New York (*cp.* the *Times*, March 24, 1910, and, cited by Mr. Andrew Carnegie, *ib.*, December 15, 1910). On July 11, 1910, Mr. Carnegie wrote a private letter to Sir Edward Grey quoting this speech and enquiring how an approach on these lines would be regarded. Sir Edward Grey, in his reply of July 29, said "Without consulting others I can give only a personal opinion, but I am sure that an approach of the kind you indicate from the Secretary of State at Washington to our Ambassador would be favourably received." (F.O. 371/1023. 26234/26234/10/45.)]

Mr. Mitchell Innes to Sir Edward Grey.

F.O. 371/1039.
43643/Case 607/10/45.
(No. 216.)

Washington, D. November 18, 1910.

R. December 1, 1910.

Sir,
. . . .⁽¹⁾ Again Mr. Knox adverted in even more emphatic language than before to the indissoluble ties which bound the destinies of our countries—these were his words—, again regretted, though unrepentant as to his share, the recent want of cordiality in our relations in the Far East, again he impressed on me his earnest desire for close relations. “Though keenly competitive as to commerce,” he said, “we are animated by no jealousy. We desire nothing that England possesses, and Great Britain will find no power so ready to cooperate with her loyally and disinterestedly in every part of the world.”

The conversation naturally turned on arbitration and Mr. Knox adverted with pleasure to the remarkable progress which, he said, public opinion generally, and the feeling in the Senate in particular, had lately shewn.

For his part he could not conceive of a question affecting American and British interests, which could not be adjusted by arbitration, as far as he and the whole Administration was concerned, they would willingly consent to a widening of the scope of our arbitration treaty so as to include questions of honour, a feeling to which, as you will remember, the President has already given expression.⁽²⁾

From what I have heard, one result of the arbitration seems to have been to accentuate at least in the minds of those who took part in the proceedings, a feeling that is common here among prominent educated Americans that it ought to be possible to find a method of settling without the intervention of foreigners disputes between two peoples of the same origin, with the same traditions, the same language, the same law. There were evidently things in the proceedings at The Hague which grated on the feelings of the Americans. The unfamiliar foreign procedure, the attitude of the judges towards counsel, their imperfect knowledge of our language, the un-English (or what means the same thing), the un-American atmosphere, the want of social distraction at The Hague during the tedious length of the proceedings,—from these uncongenial surroundings the Americans turned with feelings of comradeship to the Englishmen, who, I gather, shared their views.

I do not presume to say whether the time is ripe for broaching such a subject, but the step would not be so long as it might seem at first sight. Already there exists a body, created by the recent International Waterways Treaty, which, in the opinion of the responsible officials of the State Department, is destined to fulfil the functions of a permanent Court of Arbitration between the United States and Canada. Most of the disputes which are likely to arise between our countries must almost certainly arise over the relations between America and Canada or Newfoundland, so that the practical effect of applying a similar principle to the relations of the two countries as a whole would probably not be considerable, however great the change in theory might be.

I have, &c.

A. MITCHELL INNES.

⁽¹⁾ [The first part of this despatch refers to the question of settling difficulties over certain executive and legislative acts of the Canadian and Newfoundland Governments which had been objected to by the United States Government, and is therefore omitted as having no direct bearing on the subject under discussion.]

⁽²⁾ [v. immediately preceding document.]

No. 449.

Mr. Mitchell Innes to Sir Edward Grey.

F.O. 371/1023.

44445/44445/10/45.

Tel. (No. 54.)

Washington, December 8, 1910.

R. 8 A.M.

My despatch No. 216.⁽¹⁾

I hear unofficially that U[nited] S[tates] Gov[ernmen]t will shortly make overtures for settling future disputes by means of Anglo-American Commission, probably with right of appeal to the Hague.

I can at present tell you nothing more definite than this, but should be glad of your views on principle for my guidance.

(1) [*v. immediately preceding document.*]

No. 450.

Sir Edward Grey to Mr. Mitchell Innes.

F.O. 371/1023.

44445/44445/10/45.

Tel. (No. 129.) R.

Foreign Office, December 12, 1910.

Your telegram No. 54 (of 8th December :⁽¹⁾ Arbitration).

I need hardly say that I should be pleased to receive any proposals that U[nited] S[tates] Gov[ernmen]t may wish to suggest, and consider them with every desire to meet their views. If we are to extend the scope of our arbitration treaties, the U[nited] S[tates] is the country with which we should desire to initiate any change. But I am afraid I cannot say more until we have something definite before us.

(1) [*v. immediately preceding document.*]

No. 451.

Mr. Mitchell Innes to Sir Edward Grey.

F.O. 1139/1139/11/45.

(No. 245.)

Sir,

Washington, D. December 22, 1910.

R. January 11, 1911.

Still another has been added to the many Peace Societies which flourish in this country. The money to support it has been found by a certain Mr. Marburg, a man of means and education; and the particular aim was prompted by Dr. James Brown Scott, late Solicitor of the State Department, well known in connection with the Hague Tribunal. It is called The American Society for the Judicial Settlement of International Disputes, and its purpose is to forward the movement in favour of the establishment of a permanent judicial court at The Hague, which was started by the State Department, and which is the special hobby of Dr. Scott.

The Society has just held its first meeting, and the proceedings consisted of four conferences and a banquet. There can be no doubt that the movement in this country in favour of the peaceful settlement of international disputes is spontaneous and sincere. The meetings always seem to draw large audiences, and at neither of the two evening meetings that I attended was the seating accommodation sufficient for the numbers.

It is hard to be original on such topics as peace and arbitration, and there were few addresses which would be worth quoting. But Mr. Root spoke, and his appeal

for more abiding peace and more friendly relations was wonderfully impressive, the effect being perhaps increased by the defects of his curious voice and peculiar delivery.

And Mr. Choate spoke, and in his clear and dispassionate manner gave the best account I have ever heard of the difficulties which the last Hague Conference encountered, of what they did and what they failed to do. Meagre though the results of their long toil seemed at the time—the *TIMES* going so far as to pronounce the whole thing a sham—he made his audience realise how solid a foundation had been laid for future builders to build on.

But my object in writing on the meeting of the Society is to call attention to Mr. Taft's speech at the banquet. He spoke of the recent army scare and stated the position of the United States as regards armaments. He condemned the folly of the scare-mongers, and uttered the concluding sentence on the smallness of the American army with great earnestness—"If this leaves us in a position of helplessness, then so be it."

I enclose a report of the speech,⁽¹⁾ and need do no more than to say that the sentence about a positive agreement with some other nation to settle all disputes whether of honour, territory or money, was an intentional reference to the impending negotiations with Great Britain.

I have, &c.

A. MITCHELL INNES.

MINUTES.

I am afraid the position is likely to be even more unfavourable, but not owing to the opposition of the Senate. The U[nited] S[tates] plan is to have a convention compelling the parties to go to arbitration on any question. Past experience shows that even where a party has the flimsiest claim, there is always a fairly good chance of an arbitration tribunal, instead of rejecting the bad claim, decreeing a compromise, by which the claimant does get something. It will accordingly become *profitable* to raise international issues as a political speculation and I consider this to be a very real danger of any scheme for unreserved compulsory arbitration.

Moreover whilst Great Britain by agreeing upon the "compromis" will be actually bound to submit the case to arbitration, the U[nited] S[tates] will not be so bound. For they reserve the power of their Senate to withhold their consent to any particular compromise, by which means they can in practice render nugatory the obligation under a general treaty to submit to arbitration.

This question was debated at great length in connection with the draft convention for the establishment of a Judicial Arbitration Court, at the second peace conference. Strong criticism was there offered of the attitude of the U[nited] S[tates] G[overnmen]t, and a good deal of heat generated. A considerable number of Representatives declared that in view of the liberty claimed for the U[nited] S[tates] Senate, they could not accept a scheme such as the U[nited] S[tates] delegates favoured.

Mr. Scott who is organizing the agitation, is very anxious to become a judge of the new Court (Salary of about £5,000!).

E. A. C.

Jan[uary] 13.

There is also the difficulty of arranging a fair "compromis," unless that is to be left to the Court. I doubt whether the advocates of universal arbitration have any of them had experience of negotiating with the U[nited] S[tates] Government the terms of a "compromis."

W. L.

A. N.

The point taken in the second paragraph of Mr. Crowe's minute is one that must come up when the U[nited] S[tates] Gov[ernmen]t open negotiations with us: it is one on which it is for them to see that we are placed on equal terms if they propose a treaty. They must find some means of meeting the difficulty if a treaty is to be arranged.

E. G.

(¹) [Not reproduced.]

Mr. Bryce to Sir Edward Grey.

F.O. 1554/1139/11/4b.

(No. 7.)

Washington, D. January 5, 1911.

Sir,

R. January 14, 1911.

Yesterday Mr. Chandler Anderson the newly-appointed Councillor of the State Department called on me to discuss the various matters outstanding with this Embassy.

Of these the most important is the question of a revision or reinforcement of the General Arbitration Treaty of 1908. This question has become urgent somewhat suddenly and is already receiving public attention as appears from the notice in the NEW YORK TRIBUNE inclosed herewith.⁽¹⁾ A marked movement in favour of "obligatory" arbitration—*i.e.* arbitration at the demand of either party—has been in progress during the summer and has recently received a great accession of strength from the foundation of the Carnegie fund and from two public pronouncements delivered by the President looking towards it. The more recent and striking of these was recently inclosed in desp[atch] No. 245 of the 22nd December, 1910.⁽²⁾ Although the relations of our two countries have not been publicly or officially specified as those to or in which such an innovation in the application of the arbitral method might first and more successfully be applied, yet private conversations elsewhere reported to you indicate that the United States Government would prefer both for practical reasons and for reasons of public sentiment to take this momentous step in conjunction with Great Britain.

Mr. Anderson, who can in this matter speak with the authority which belongs to one who has actually worked at the official drafting of treaties and may be deemed to be more experienced than his official superiors in the practical requirements and difficulties while fully confirming the general attitude of the United States Government above described yet admitted the difficulty he felt in finding a means of overcoming the reluctance of the Senate to part with any of its power as well as in devising a form which, while covering all the usual cases in which arbitration is desirable would exclude certain classes of minor matters in which it would be unsuitable or vexatious. Probably, however, he has not yet been able to devote much time to the study of the subject. He threw out the suggestion of a permanent Commission of inquiry somewhat like that established in the Canadian Treaty on Boundary Waters and Other Questions which might be brought into relation with the Commissions of inquiry recommended by Part III of the Hague Convention. But he did not deny that the reports of such a Commission might in some cases be of little or no practical use, that they might even, given certain contingencies tend to accentuate and exacerbate the issues, although this would no doubt be most unlikely to happen so long as the present cordiality of the two Governments and nations continued. Moreover, the creation of a body with no power beyond that of reporting would fail to meet the present public movement for the universal application of arbitration as a method of settlement and might even be considered by a large section of American opinion to be a setback to the general movement. Mr. Anderson, however, still seemed to consider that his plan offered solid advantages and told me that he would work further at it and endeavour to put it into a definite form. It by no means excluded either the existing treaty or a further development thereof.

The Senate was of course the main difficulty present to Mr. Anderson's mind, and with reason, for another failure in the Senate such as those of 1897 or 1905 is not worth risking. The question must therefore be proceeded with cautiously and although it is undoubtedly desirable that any action in the Senate should be taken before that body changes its character on March 4, close and careful consideration

⁽¹⁾ [Not reproduced.]

⁽²⁾ [*v.* immediately preceding document. The speech referred to is not reproduced.]

must be given to the matter and much canvassing of the Senate may be required before such definite action can be taken.

In another despatch⁽³⁾ I have summarized a conversation held with the President (since my interview with Mr. Anderson) in which the subject was raised, and believing the United States Government to be in serious earnest, I propose to hold myself ready to render any aid that I can to them in their efforts to devise a plan which will meet the situation, believing His Majesty's Government to be in accord with the United States Government so far as relates to aims and sentiment. As respects the manner of attaining the end, there are, no doubt, many things to be considered. An examination of the present situation with a view to an ascertainment of the lines which might prove those of least resistance will be found in the annexed memorandum by Mr. Young.⁽⁴⁾

I have, &c.

J. BRYCE.

⁽³⁾ [*v.* immediately succeeding document.]

⁽⁴⁾ [Not reproduced. *v. infra*, pp. 548-9, No. 453, *min.* by Mr. C. J. B. Hurst.]

No. 453.

Mr. Bryce to Sir Edward Grey.

F.O. 1555/1189/11/45.

(No. 8.)

Washington, D. January 6, 1911.

Sir,

R. January 14, 1911.

When I went to see the President to-day, desiring to convey to him the message of good will and esteem which the King had charged me with for him, and for which he desired me to thank His Majesty, whose good wishes he heartily reciprocated, he entered almost immediately and with every mark of interest upon the question of an improved and enlarged Arbitration Treaty, which he had already discussed with me last summer, as reported in my despatch No. 175 of the 9th August, 1910.⁽¹⁾ He observed that in his view the best course would be to conclude a treaty drawn in quite general terms, which should cover all serious causes of difference between nations and thus provide a generally efficient safeguard against war. The time seemed to be ripe for this: public opinion was more favourable than ever before; and the example to other nations would be of great value. I asked him whether the United States Senate might not be expected to adhere to the ground it had taken up in 1904, viz. that it was under the Constitution entitled to be consulted regarding every special agreement or compromise by which a general provision for arbitration is to be put in force in each particular instance. He expressed his belief that the Senate would not now adhere to this contention, and added that a treaty quite general in its terms made the case for the Senate's intervention weaker because if there were exceptions and qualifications to the generality of the provisions for arbitration the Senate might argue that it was entitled to examine whether in the particular case those exceptions applied, whereas the operation of general provisions would be automatic, and raise no such questions.

I told him that you had been glad to receive the recent communication from his Government on the subject, and were giving serious consideration to it,⁽²⁾ and observed that any definite proposal which he and his advisers might address to us would be received by His Majesty's Government in a spirit of cordial sympathy which would lead them to join in an effort to give practical shape to the idea.

In the meantime you were awaiting an expression of his views as to that particular practical shape. It had occurred to you that it would be desirable to use some form of words which would imply that only matters of some gravity were contemplated as fit for arbitration, trivial matters not likely to lead to serious dispute being excluded;

⁽¹⁾ [*v. supra*, pp. 541-2, No. 447.]

⁽²⁾ [*cp. supra*, p. 544, Nos. 449-50.]

and I instanced cases in which either Government might have made remonstrances or requests bearing upon the judgments of Courts in the other country. The President said he quite agreed that such cases were not worth taking to an arbitral tribunal and was disposed to consider a proper means of avoiding the difficulty that had presented itself to you.

I asked him what he was going to do regarding the Peace and Arbitration commission for which Congress had voted an appropriation and the members of which he was to appoint. He told me the matter had given him much trouble, but he had now settled on the persons to be chosen, whose names he gave me. He did not think they could be utilized for the purpose of the contemplated treaty, but proposed to set them to work to consider some large aspects of the subject so as to enlighten and influence public opinion.

Our conversation ended by his declaring his intention to set the State Department to work at once to prepare the draft of a treaty to carry out the view he had expressed to me, as previously in the speech recently delivered by him, and he hoped that the matter might go forward speedily, for he would much prefer to submit to the Senate in its present session, (which ends on March the 4th), any treaty upon which his Government and that of His Majesty might agree.

I have, &c.

JAMES BRYCE.

P.S. Confidential.

The President remarked to me that although his idea might be found generally applicable, he would greatly prefer that it should be first tried as between his own country and ours. He said that when he made the speech already referred to (see Mr. Mitchell Innes' despatch No. 245)⁽³⁾—a speech which, I may note, produced a great impression here—the French Ambassador who was sitting beside him said: "We should be very happy to make such a treaty with you." "But," continued Mr. Taft to me, "I may tell you that I would far rather make it first with you, for you and we can understand one another better than any other countries can do: our legal ideas and methods have so much in common that we could work a plan of this kind better than it could be worked elsewhere, and the plan will have the best chance of ultimate general success if it begins between ourselves."

J. B.

MINUTES.

1. I think we might ascertain if the Japanese Gov[ernmen]t have yet taken the matter into their consideration.

2. In the case of the 1908 Treaty we only consulted Canada, and confined ourselves to informing the other self governing Dominions after the Treaty was signed. Perhaps we might follow the same practice in the present case, if we add a similar clause about "matters affecting the interests of a self governing Dominion" as is contained in the 1908 Treaty. In sending these papers to the C[olonial] O[ffice] therefore it would seem sufficient to warn Canada, but I think we might defer any communication to the C[olonial] O[ffice] till we see the actual text proposed. The minutes on [26234]⁽⁴⁾ show the fate of the previous arbitration treaties, and how useless it will be to attempt anything far reaching unless there is good ground to believe that the Senate may accept it.

G. S. S.

17/1.

The necessity for any new Arbitration arrangement with the United States of America being short and simple in its structure as well as being limited in scope to important questions is apparent to the President. How the various difficulties will be surmounted remains to be seen.

The final pages of Mr. Young's Memorandum⁽⁵⁾ adumbrate a treaty which would certainly fail to comply with any of the above requirements. It would be nearly as long and as elaborate as the Olney-Pauncefote treaty of 1897. There are, however, some interesting pages in that memorandum: it indicates a growing idea in the minds of the officials of the State Department

⁽³⁾ [*v. supra*, pp. 544-5, No. 451. The speech referred to is not reproduced, as it was reported in the press at the time.]

⁽⁴⁾ [Not reproduced, as the contents are sufficiently indicated above. (F.O. 371/1023, 26234/26234/10/45.)]

⁽⁵⁾ [Not reproduced, as the contents are sufficiently indicated in the minute printed above.]

in favour of referring disputes to the consideration of a commission which will decide by compromise rather than to a legal tribunal which will decide by the strict application of the rule of law.

I doubt whether this means anything more than that they realize that many of the most difficult differences of opinion which arise between Governments do not lend themselves to arbitration in the strict sense: an arbitration tribunal ought to decide a question by the application of the rule of law and not by a political compromise; but in order that a question may lend itself to a decision by the application of a rule of law, it must be of a legal nature.

The arbitration of the great majority of such cases is already adequately provided for by the Arbitration Agreement of 1908: the legal cases excluded "those affecting the vital interests the independence or the honour of the contracting parties" would not be numerous.

The desire to see the scope of arbitration extended so as to be all embracing necessarily entails the extension of a system which ought to imply the decision of a question by the application of a rule of law to a certain number, perhaps a large number, of cases which do not lend themselves to that system because they are not legal questions. I think it must be perception of this which is disposing the officials of the State Department towards the adoption of the "compromise by commission" system.

It follows that to my mind any new arrangement which involved the complete abandonment of the Arbitration Agreement of 1908 as advocated by Mr. Young would be a mistake: it is, and will remain, *for the cases which it covers* the right mode of settlement: what is required is a machinery which shall supply its omissions, i.e., a mode, other than war, of settling disputes which do not lend themselves to arbitration. To find such a mode and embody it in a Treaty is a good deal more difficult than to write a minute pointing out that it is wanted.

In the minutes on Mr. Carnegie's letter to Sir E. Grey last summer (26234/10)⁽⁶⁾ I suggested an agreement that neither power would go to war without first offering to submit the question to arbitration, as a useful measure: it might be better to elaborate the arrangement a little and let the treaty say that neither party would go to war without first offering to submit the question to arbitration, if the subject matter of the dispute lent itself to that mode of treatment, or, if it did not, to the consideration and report of a commission of a limited number of eminent men on both sides. In that case the treaty would have to provide for the creation and continued existence of such a commission.

C. J. B. H.⁽⁷⁾
23.1.11.

I agree with Mr. Hurst.

It is too often overlooked that there is a fundamental difference between a dispute on points of international law and a conflict between the political interests of two States. In the one case there exists a standard by reference to which an arbitrator can, by proper application or interpretation of rules or general principles accepted by both parties, distinguish between right and wrong. There is no standard of right and wrong applicable to conflicts of political interests, any more than in cases of internal revolutions.

Was Alexander right or wrong in invading the Persian empire and erecting on its ruins the foundations of a flourishing Greek civilization? Was William III. right or wrong in putting an end to the reign of James II.? Is Great Britain right or wrong in holding dominion over India?

This is the kind of question which, when seriously pressed, leads to war. Does anyone believe that such questions could be settled by arbitration? Only negotiation, mediation, compromise, or the overawing of one party by the other can prevent war in cases of this kind, where very often neither side is wrong, but both sides are right in their way. A State commits suicide if it allows its national interests to be staked on an arbitration.

But the distinction between cases of conflicting political interests on the one hand and disputes on questions of a legal nature on the other, do not run parallel to the distinction between vital and non-vital issues: Political interests may be of minor importance; an unfavourable decision on a point of international law may endanger the prosperity, the safety or even the existence, of the State:

Hence it is not sufficient to provide for arbitration on points of law, and prescribe a less conclusive method of adjustment for questions of political interests. It is necessary to exempt from the process of arbitration even legal questions which involve vital interests. This has been recognized hitherto in all our general arbitration treaties, and I cannot too strongly express my conviction that it would be highly dangerous and unjustifiable to depart from the principle. I therefore favour the suggestion put forward by Mr. Hurst in the last paragraph of his minute.

The scheme somewhat nebulously outlined in Mr. Young's memorandum seems to me on wrong lines.⁽⁸⁾ The introduction of periods of delay for the purpose of nominally overcoming

⁽⁶⁾ [*cp. supra*, p. 542, *Ed. note*. The minutes are not reproduced, as their substance is sufficiently indicated above. (F.O. 371/1023, 26234/26234/10/45.)]

⁽⁷⁾ [A minute by Mr. B. F. Alston is omitted here, as it does not add materially to the discussion.]

⁽⁸⁾ [Marginal comment by Mr. Spicer: "see inclo[sure] in (1554). [G. S. S.]" This enclosure is not reproduced.]

fictional "constitutional difficulties" might well suit the United States. It would be altogether inapplicable to British needs. How it can be supposed to render superfluous the reservation of vital interests, I do not understand. That the proposed treaty, whatever its plan, besides short and simple, should also be "on broad lines," because otherwise it would not pass the Senate, nor be acceptable to American public opinion, is a dangerous suggestion. It can hardly mean anything else than that the stipulations of the treaty should have as general a character as possible, and not define things too closely. Vague generalities, especially of a high-sounding kind, are no doubt a passport to American favour, but they are of doubtful value. It is always a temptation into which negotiations, often unconsciously, fall only too readily, to slur over real difficulties and divergences of view, and conceal them under the terms of clauses so loosely expressed as to leave both parties free to read different and contradictory meanings into them. It is one thing inadvertently, or of necessity, to sow the seed of future disputes by want of care in settling the exact terms of agreement; it is another, deliberately to eschew precision and definite limitation of statement, in order to facilitate the acceptance of an agreement by the other side.

It will be important to prevent the discussions with the United States government taking a wrong turn from the outset. I am afraid there is a real danger, having regard to Mr. Young's somewhat impulsive and irresponsible habits, and his peculiar relations with the State Department at Washington, that not only will his suggestions be communicated to them, however informally, as in accordance with the views of H[is] M[ajesty's] G[overnment], but that the State Department will before long put forward Mr. Young's suggestions as their own, and as having been formulated after ascertaining that they were welcome to H[is] M[ajesty's] G[overnment].

The consideration of the whole question will take time. But it might be well to warn Mr. Bryce at once that pending such consideration it is undesirable that Mr. Young's suggestions, some of which raise questions of great difficulty, should be communicated in any form to the State Department or otherwise become the subject of discussion.

E. A. C.

Jan[uary] 29.

Mr. Hurst's idea is very ingenious but we must await the U[nited] S[tates] proposals.

In the meantime I quite agree with Mr. Crowe that a private Tel[egram] should be sent to Mr. Bryce to the effect that Mr. Young's Memorandum should not be comm[unicat]ed to Mr. Anderson in any form.

L. M.

Before comm[unicat]ing with the C[olonial] O[ffice] officially we must await the U[nited] S[tates] proposals. Is there any proposal by Mr. Bryce to communicate Mr. Young's memo[randum]? I do not find one. But it may be wise to send following private tel[egram] to Mr. Bryce in my name.⁽⁹⁾

A. N.

⁽⁹⁾ [For this telegram *v. infra*, p. 552, No. 456, note ⁽¹⁾.]

No. 454.

Mr. Bryce to Sir Edward Grey.

Private.⁽¹⁾

My dear Grey,

Washington, January 16, 1911.

Since my return to Washington I have had some talk with the President on his arbitration scheme. He opened the subject at once with warm interest; and he evidently desires to push it on, though the occupation of the State Department with our Fishery Award questions (now happily adjusted for the present) and with the Reciprocity negotiations with Canada (still proceeding) has prevented them from presenting us with a worked out plan.

The President seems to think he could get through the Senate a General Treaty, making no exceptions or reservations, and not containing any provision for a Special Agreement to be submitted to the Senate.

Root however, to whom also I have talked, doubted this; and I suspect he is right. Root however considers that a general treaty, (without the exceptions mentioned in the Treaty he and I fixed up in 1908) would be valuable; and holds

⁽¹⁾ [Grey MSS., Vol. 44.]

that even if the Senate has to be conceded a right to sanction the Special Agreement in each case, this need not much reduce its value. He thinks that the Senate ought to be considered a part of the Government of the U[nited] S[tates], and *pari ratione* that H[is] M[ajesty's] G[overnment] and the Self-Governing Dominions ought (as practically provided in the Treaty of 1908) to be deemed to be one Government for the purposes of the treaty.

I put to Root the point you mentioned as to the exclusion of minor questions. He does not apprehend trouble on that score, holding that arbitration has been taken and must be taken to relate only to questions affecting the rights and claims of nations, not of individuals.

Sincerely yours,
JAMES BRYCE.

MINUTE.

I propose to encourage the idea that the U[nited] S[tates] Gov[ernment] should make us a proposal.

E. G.

No. 455.

Sir F. Bertie to Sir Edward Grey.

F.O. 3990/730/11/50.

(No. 59.)

Sir,

Paris, D. February 2, 1911.

R. February 3, 1911.

With reference to my despatch No. 49, Confidential, of the 26th ultimo⁽¹⁾ I have the honour to transmit to you herewith copy of a Note from the French Minister for Foreign Affairs informing me of the substance of the reply made by His Excellency to the American Ambassador at Paris in regard to the question of the limitation of armaments and the employment of the navies of the world as an international force for the preservation of peace.

I have, &c.

FRANCIS BERTIE.

Enclosure in No. 455.

M. Pichon to Sir F. Bertie.

M. l'Ambassadeur :—

Paris, le 27 janvier, 1911.

Par une note en date du 25 janvier courant, Votre Excellence a bien voulu me faire connaître les vues du gouvernement britannique au sujet d'une résolution votée par le Parlement des Etats-Unis.

Le gouvernement de la République a également été saisi à titre officieux par M. Bacon de cette proposition qui a pour objet de rechercher les moyens de limiter les armements et de constituer une force maritime internationale.

L'attitude des délégués français aux deux conférences de La Haye était un sûr garant de l'esprit dans lequel je devais accueillir ce projet. En 1899, c'est sur la

(1) [Not reproduced. This despatch (F.O. 3279/730/11/50) refers to a conversation between M. Pichon and Sir F. Bertie, in which M. Pichon stated that he had informed Mr. Bacon that "the Powers generally speaking did not seem favourable at present to the idea of a limitation of armaments, but the French Government would, he thought, be glad to assist the United States Government in bringing the question before the next Peace Conference." Sir F. Bertie had, moreover, shown M. Pichon Sir Edward Grey's answer to Mr. Whitelaw Reid, and M. Pichon had stated that the attitude of the French Government to the United States' proposal for an arbitration treaty was materially the same as that of the British Government.]

proposition de notre premier délégué qu'a été votée la déclaration qui reconnaît comme grandement désirable l'allègement des charges militaires des diverses nations. En 1907, nous nous sommes joints aux efforts de la Grande-Bretagne pour faire voter une résolution dans le même sens.

La proposition actuelle des États-Unis n'est donc qu'une conséquence des diverses motions adoptées à La Haye et une tentative pour trouver des moyens pratiques de réaliser les principes qui ont été proclamés par l'unanimité des États.

En conséquence, j'ai répondu à l'ambassadeur des États-Unis à Paris qui m'a questionné à ce sujet que nous étions tout disposés à nous associer à l'initiative du Gouvernement de Washington lorsque ce Gouvernement aurait décidé de soumettre à la prochaine conférence de la paix des moyens pratiques pour obtenir la limitation internationale des armements.

Agréez, &c.
S. PICHON.

No. 456.

Mr. Bryce to Sir A. Nicolson.

F.O. 4649/1139/11/45.

Washington, February 6, 1911.

Tel. Private.

D. 9 P.M.

Your private telegram of to-day.⁽¹⁾

Memorandum for yourself and ourselves only but as Anderson is now occupied with the matter early expression of your views would be valuable as enabling us to influence opinion of State Dep[artment].

⁽¹⁾ [Sir A. Nicolson's private telegram to Mr. Bryce of February 6, 1911, D. 1.15 P.M. (F.O. 1555/1139/11/45), was as follows:—

"I presume Mr. Young's memo[ramum] enclosed in your desp[atch] No. 7 of Jan[uary] 5 is for your and our inform[atio]n only—and will not be comm[unicate]d in any form to Mr. Anderson or 'others.'"

The memorandum by Mr. Young is not reproduced. But the covering despatch is printed *supra*, pp. 546-7, No. 452.]

No. 457.

Sir Edward Grey to Mr. Bryce.

F.O. 4649/1139/11/45.

Foreign Office, February 9, 1911.

Tel. (No. 32.)

Y[ou]r Private Tel[egram] to Sir A. Nicolson of Feb[ruar]y 6.⁽¹⁾ We have not yet considered the subject in sufficient detail to influence the State Dep[artmen]t and as the initiative comes from the U[nited] S[tates] Gov[ernmen]t, it will be better to await their proposals. I need not repeat that they will receive the most sympathetic consideration, but they will require the fullest examination.

⁽¹⁾ [v. immediately preceding document.]

No. 458.

Mr. Bryce to Sir Edward Grey.

F.O. 8488/1139/11/45.

(No. 60.)

Sir,

Washington, D. February 27, 1911.

R. March 8, 1911.

In my despatch no. 8 of the 6th January⁽¹⁾ and its enclosures I had the honour to report on the general situation in regard to the disposition repeatedly indicated by the President of the United States, and indicated with evident earnestness, to conclude with Great Britain another General Arbitration Treaty in extension of that of 1908.

Since then I have had several conversations on the subject with the Secretary of State and Mr. Anderson, the Counsellor of the State Department, and the latter has given me a general idea of the outlines that the American proposal is likely to take. These are set forth in a short memorandum which I have prepared and enclose.

The chief novelty is the suggestion that there should be established a Joint High Commission to enquire into and report upon questions at issue between the two countries. Such a scheme would, it is suggested, be an aid to diplomatic action which might in many cases render a recourse to Arbitration unnecessary. It is independent of a General Arbitration Treaty and might, so it is thought, be a valuable adjunct either to the existing treaty or to an enlarged one. A second Memorandum suggests a number of points which would arise upon the consideration of the scheme as briefly outlined in the first Memorandum.

If, as seems at the present moment probable, an extra session of Congress is held this summer it is, I believe, the intention of the United States Government to proceed promptly with the elaboration of their draft for a new Treaty. In this they will consult me unofficially in regard to all points of importance that may arise as indeed they have already done as regards some; and such points have been anticipated as far as possible in the annexed memorandum. I am however somewhat reluctant to express any views even in a private and informal way without somewhat fuller information of the views of His Majesty's Government on the subject than I now possess. I have told the United States Government, repeating what has been conveyed in your despatches on the subject, that any American proposals would receive careful and sympathetic consideration from His Majesty's Government but everything else that I have said to them has been merely given in the way of private and personal suggestions intended to call their attention to points of importance, but in no way committing His Majesty's Government. In the course of the conversations referred to I have been more and more led to feel that in this early and so to speak formative stage of discussion whatever views we may entertain can be dispassionately considered and have full effect on the minds of the United States Government in a manner and to an extent which might not be attainable in the course of correspondence when more formal negotiations upon formal proposals were proceeding. This is more especially true in regard to any possible divergence of view as to the broad lines on which the new Treaty is to be framed and the general objects it is to accomplish. It is in the hope that I may receive an early and somewhat full expression of the views of His Majesty's Government in these latter respects for my guidance in discussing the matter informally with the State Department and the President that I submit the enquiries in the annexed Memorandum. In any case it seems well that you should be informed of the way in which the matter is tending to shape itself. so far as I can ascertain, in the minds of the United States Government.

I have, &c.

JAMES BRYCE.

(1) [*v. supra*, pp. 547-8, No. 453. This despatch has no enclosures, but its subject is a conversation with President Taft on the possibility of concluding a general arbitration treaty. The reference should probably be to despatch No. 7 of January 5, *supra*, pp. 546-7, No. 452, which describes a conversation with Mr. Anderson on the same subject and contains enclosures.]

Enclosure in No. 458.

Memorandum I.

Two suggestions are occupying the mind of the United States Government. One of these is the widening of the General Arbitration Treaty of 1908 so as to include practically all cases of difference sufficiently important to require settlement by arbitration if diplomatic methods have failed to settle them.

The other is the creation of a Joint High Commission for enquiring into and reporting on differences between the nations. Should it be decided to present to His Majesty's Government this latter suggestion, which does not exclude, but may be used in aid of, the former suggested plan, it would probably take some such form as the following:—

The Commission to be a permanent body and to consist of four, or six, eminent persons, one half appointed by each Power. Any question or matter of difference which may hereafter arise of a legal nature or relating to the interpretation of treaties is to be referred to this Commission for examination and report—the report, or reports—if the Commission is not unanimous, to be made to both Powers. The Commission to have power to include in its report recommendations and conclusions as to a settlement of the difference (? at the request of either party? Query: should this be done at the request of either party or only at the request of both?).

The Commission to be supplied by the parties with all needed information and to have power to issue subpoenas and compel attendance of witnesses. Agents may be appointed by the Parties to represent them and present evidence or arguments.

Any case investigated and reported upon may, if the Powers cannot settle it by diplomacy, be referred to arbitration under the Treaty of 1908 (or under any enlarged Arbitration Treaty replacing that instrument[]).

Memorandum II.

Arbitration.

Memorandum I gives an outline of certain suggestions for the establishment of a Permanent Joint High Commission on the analogy of the Canadian Commission established by the Waters and Boundaries Treaty. This memorandum contains a note of some points that would need to be considered were such a Commission to become the subject of discussion.

How should such a Commission be composed—Should it be a panel say of twelve a side from which Commissions ad hoc could be appointed of a number and nature to suit the question—or should it be a standing body of four or six one half appointed by each side which would only have to be called together on each occasion. The American scheme contemplates the latter.

The United States were at first disposed to suggest that this Commission should examine into “any matters referred to it by either party which are of a legal nature or relating to the interpretation of treaties subject to any restrictions imposed by the terms of reference”; but they are also considering whether it might not be given a wider scope and be used to examine and report upon all differences between the countries, with a view to an enlarged general Arbitration Treaty which might omit the exceptions of “honour and vital interests.”

It would seem that whatever be the scope of an enlarged arbitration treaty, the functions of the Commission should correspond thereto.

The United States were disposed to suggest that reference to the Commission should be “at the request of either party but subject to any restrictions imposed by the terms of reference.” It deserves to be considered whether the terms of reference should be a matter for agreement or whether each party should submit its own? If the former, then reference is not rendered more obligatory by the phrase “at the request of either party”—moreover the Senate might be tempted to insist on

supervision over the terms of reference. If the latter, then either party can stultify the object of submission to the Commission by impracticable terms of reference. Should there be no terms of reference but merely a submission, the Commission's powers being defined as far as possible in the Treaty? Should the Parties be trusted to be reasonable; or should the Commission be so trusted? It deserves to be considered whether if one party desires a reference to the Commission and the other argues that the difference in the given case is not covered by the terms of the treaty, this preliminary question of the interpretation of the treaty should not be itself referred to the Commission.

The functions of the Commission are to define the issues and report jointly or separately. At the request of both parties or perhaps of either party, they may add recommendations, for the settlement of the difference, but their reports are not to be considered decisions as to the facts, or as arbitral awards. May there not be some danger that a mere definition of the issues by a Joint Commission equally divided and presenting antagonistic reports might not help matters. There would be less tendency to this result when they were empowered to seek a settlement and recommend it which would alter the attitude in which they would approach the matter. Should they be given this power of recommendation unconditionally or at the request of either party? A still more important question is whether an adequate examination and report by the Commission might not be further facilitated by providing for the association in case the Commission were equally divided of a fifth neutral Commissioner to be chosen either by the Commission itself or by the Powers. The object of the institution of the Commission is to provide a preliminary procedure which may make reference to the Hague less difficult to negotiate and at the same less indispensable to a settlement. Power to associate a fifth Commissioner might prevent the necessity of repeating the proceedings in a more costly and less convenient form at the Hague. It would require to be carefully combined with the provisions for arbitration at the Hague to prevent any confusion.

Supposing it to be agreed to enlarge the scope of the Arbitration Treaty of 1908 should this new and wider Treaty be included in the same instrument as that creating the Joint High Commission or should each matter be the subject of a distinct Treaty? The Treaty of 1908 was made for five years only. If the Commission's functions of reporting are made to include the power to draft the Compromis as part of its recommendation could acceptance of that Compromis be made obligatory, thereby cutting out the interference of the United States Senate?

Should further provision be made against requests to refer matters intrinsically insignificant,—or in which the international interests are insignificant compared to the disturbance to domestic institutions concerned,—or insignificant compared to the interests thereby involved in international relations with third parties? Instances of each class of request have already seemed likely to strain the obligation to arbitrate under the Treaty of 1908.⁽²⁾ Should some further safeguard be added as to contractual relations with third parties—a point dealt with at the last Hague Conference, or as to constitutional obligations as in the French Treaty of 1908.

As respects an enlargement of the General Arbitration Treaty 1908, so as to omit the exceptions therein stated—the United States Government have not yet found a formula which they can propound to us but hope to discover one. Perhaps some such general expression as “differences not affecting internal policy or administration” or “all differences belonging to the sphere of international law”⁽³⁾ might serve to exclude a class of questions which ought not to go to arbitration and have not hitherto been deemed matters fit to be so treated.

MINUTES.

I am not quite sure that there is any advantage in refraining from sending criticisms on the scheme outlined in these papers. I thought that what had been decided was that no concrete

(2) [Marginal comment by Mr. Sperling: “To what does this refer? [R. S.]”]

(3) [Marginal comment by Mr. Sperling: “What do these mean? [R. S.]”]

proposals were to be communicated to Mr. Bryce. Concrete proposals would have committed the Government, and might have been inconvenient without prior consultation with the Self Governing Dominions, but the same argument scarcely applies to criticisms.

It is noteworthy that the scheme for a Joint Commission proposes that it should examine into "questions of a legal nature or relating to the interpretation of treaties" (see mem[orandum] I. para[graph] 3). Para[graph] 4 of mem[orandum] II gives no reason why this should be so, but merely assumes it.

I can see no reason for, nor advantage in, creating a second organization to deal with the same class of questions as fall within the scope of the Arbitration Treaty. If they are legal questions or relate to the interpretation of treaties, they lend themselves to settlement by the application of a rule of law, and as such can be dealt with satisfactorily by arbitration in the ordinary sense of the word.

What is required is some machinery for the pacific and satisfactory settlement of disputes which lie outside the above classes, and yet are of sufficient importance to be a source of serious friction between the 2 states if they remain unsettled.

This object will certainly not be met if the proposed High Commission were only competent to deal with legal questions.

I think it might be useful to ask Mr. Bryce why it is thought desirable to limit the functions of such a Commission in this way: what advantage there would be in having two organizations to deal with the same classes of questions, and how it is proposed to deal with cases which lie outside such classes.

If such a High Commission were appointed, I think it would be a mistake to give it the power to *decide* anything: its function should be to investigate and report. A power to *recommend* might be given where all the members were unanimous: but not otherwise. If a majority could recommend there would be the possibility pointed out by Mr. Sperling⁽⁴⁾ of the British and the Colonial commissioners taking different views.

C. J. B. H.
14.3.11.

(4) [Mr. Sperling's minute is omitted from considerations of space.]

No. 459.

Mr. Bryce to Sir Edward Grey.

F.O. 11427/1189/11/45.

(No. 80.)

Sir,

Washington, D. March 20, 1911.

R. March 29, 1911.

The President having returned from the South this morning I called on him in the afternoon, thinking that as you had referred in Parliament to his idea of a General Arbitration Treaty⁽¹⁾ he might wish to say something to me on the subject. He told me he warmly appreciated what you had said about his proposal and that he was much gratified that his suggestion had been so cordially received by His Majesty's Government, as indeed, he added, from what I had told him in previous conversations, he had hoped it would be. He now desired to go on with the matter at once, and strike while the iron was hot. As soon as ever the Secretary of State returned, which would be on Saturday, he would himself take up the subject with the latter and would endeavour to find a form of words which should be as general as possible in including all cases that needed to be dealt with by arbitration, excluding those only which common sense would recognize as not suitable for that form of solution. He thought it possible, indeed probable, that the Senate might continue to insist on its right to have a share in settling the Special Agreement or Compromis for the reference of each particular question as it arose. But having accepted the principle of arbitration as binding they could not refuse to apply that principle, and thus their intervention would not really diminish the value of the Treaty. Though the new Senate was a body whose action was still unpredictable he saw no reason why they should not pass the Treaty, and he would like to submit it to them, whenever its terms

(1) [On March 13, 1911, Sir Edward Grey stated in his speech in the House of Commons: ". . . the President of the United States has sketched out a step in advance in arbitration more momentous than anything that any practical statesman in his position has ventured to say before . . . we should be delighted to have such a proposal . . ." *Parl. Deb.*, 5th Ser., House of Commons, Vol. 22, pp. 1989-1990.]

had been settled with His Majesty's Government, at the earliest possible moment after Congress meets.

I have, &c.
JAMES BRYCE.

MINUTE.

If our proposal of reference to a Commission with instructions to recommend a settlement is adopted, the difficulty of the Senate should not arise till the Commission has reported.

E. G.

No. 460.

Mr. Bryce to Sir Edward Grey.

F.O. 11429/1139/11/45.

(No. 82.)

Sir,

Washington, D. March 21, 1911.

R. March 29, 1911.

In my despatch No. 80 of yesterday's date⁽¹⁾ I report a short conversation with the President on the subject of a new General Arbitration Treaty between the United Kingdom and the United States. To that despatch I need only add that the reception in this country of the two speeches which you delivered recently on the subject of arbitration, followed as they were by a declaration of sympathetic agreement from Mr. Arthur Balfour in the House of Commons,⁽²⁾ and by expressions of what would appear to be general and unqualified satisfaction in the Press of Great Britain, has been very cordial, and is calculated to strengthen the hands of the President in any action he may take.

Public sentiment here on the subject in so far as it can be ascertained from a Press which, unrestrained as are its utterances, is neither an adequate nor a trustworthy medium for the expression of public opinion, has been almost wholly favourable. The only notes of dissent I have been able to discover come from some few newspapers which profess to fear that there is an intention to conclude a formal alliance between Great Britain and the United States. Such suspicions, as is natural, are found chiefly in German and Irish newspapers. This has always shewn itself whenever arbitration treaties are discussed, but when their real purport is seen it disappears. It was noteworthy that in the numerous St. Patrick's Day demonstrations which took place last Friday, very little of a nature hostile to England seems to have been said. At one of these, in Baltimore, which I attended, having satisfied myself that the company would be composed of persons not likely to show any disrespect to His Majesty, my remarks about the growing prosperity of Ireland and the growing good feeling between the English and Irish peoples were very cordially received, and a verse of God Save the King was sung.

When the many occasions are remembered on which clamour has been raised against any proposal suggesting the ultimate possibility of an Anglo-American alliance the abstention of the American Press from any such attempt on the present occasion is especially significant. The gist of the inclosed extracts from leading journals⁽³⁾ is an attitude of approval, the mildness of which is perhaps explained by the regretful realisation that there is no material for sensation in opposition.

It is still possible that some of the extreme Irish Party here may endeavour to defeat a general arbitration treaty, but there is little reason to believe they could now succeed. There has never been, I think, a time when sentiment on this side was on the whole so favourable to an effort of this kind.

I have, &c.
JAMES BRYCE.

⁽¹⁾ [v. immediately preceding document.]

⁽²⁾ [*Parl. Deb.*, 5th Ser., House of Commons, Vol. 22, pp. 2500-2.]

⁽³⁾ [Not reproduced.]

No. 461.

Sir Edward Grey to Mr. Bryce

F.O. 8488/1139/11/45.

Foreign Office, March 22, 1911.

Tel. (No. 80.)

D. 7 P.M.

Your despatch No. 60 of Feb[ruary] 27.⁽¹⁾

I am consulting Prime Minister and colleagues and hope to send you at any rate some prima facie views by bag leaving on March 31st. Meanwhile I would suggest that in forefront of any agreement should be a statement that in no case will the two countries go to war but will submit to Arbitration all differences that cannot be settled by diplomacy. After that I am inclined to think that use might be made of parts of Olney-Pauncefote treaty especially Article VI.

⁽¹⁾ [*v. supra*, p. 553, No. 455.]

No. 462.

Mr. Bryce to Sir Edward Grey.

F.O. 12633/1139/11/45.

(No. 92.) Very Confidential.

Washington, D. March 28, 1911.

Sir,

R. April 6, 1911.

Mr. Anderson of the State Department having suggested that I should talk to Mr. Root about the General Arbitration Treaty, I saw the latter two days ago.

His judgment on the subject is better than that of the whole State Department put together and his influence in the Senate will be needed when the treaty gets there.

He thinks that Mr. Anderson's plan of a joint High Commission to examine and report upon questions at issue between the two countries, whatever its intrinsic merits, would now be an anti-climax and that the essential thing at the moment is to proceed with the General Treaty, especially having regard to what has been said by yourself and Mr. Taft.

While declaring that he had not fully thought the matter out, he said that in his view the simplest and easiest course was to follow the treaty of 1908, merely omitting the exceptions of "vital interests, independence and honour."

I suggested that the words in the treaty: "questions of a legal nature or involving the interpretation of treaties,"—would not cover all the cases in which arbitration would be needed to avert war, instancing such recent cases as the breach between the United States and Spain in 1898 and that between Russia and Japan. He did not controvert this but was not prepared with other words and seemed disposed to think that the words "of a legal nature" might be stretched to cover all cases questions fit for arbitration.

When I asked what he thought of prefacing the treaty by a declaration that the two countries would never resort to war, he observed that he was disinclined to broad enunciations of such a nature but he would like to think over the point; and when I suggested that we might put the declaration in a sort of preamble, as thus:

"To the end that they may never resort to hostilities," or:—

"To the end that this friendship may never be broken,"—he seemed disposed to like such an expression.

In reply to a question as to the probable attitude of the Senate, he said as it was largely a new body he could not express an opinion but did not seem to expect much difficulty in getting their consent. They would, he thought, continue to insist on having the compromise in each particular case submitted to them, but this would hardly reduce the value of the undertaking to submit all questions to arbitration and

the Senate ought to be regarded for such a purpose as this as really a part of the United States Government upon which the obligation to arbitrate in any case would rest. He suggested that instead of the term Special Agreement in the treaty of 1908 the term Submission should be used, as this would give less pretext to the Senate for considering the matter to be a distinct and separate exercise of their power and would more clearly imply that it was simply a carrying out of the general obligation to arbitrate. This seemed to me an improvement and I propose with your approval to suggest it to the President if Mr. Root does not do so himself. I hope in a day or two to hear something from the President or the Secretary of State on the subject.

The reception of your speech here has been so cordial and the attention of the country is now so much fixed on the subject that it would be a great pity not to make progress at once.

I have, &c.

JAMES BRYCE.

No. 463.

Sir Edward Grey to Mr. Bryce.⁽¹⁾

Private.

My dear Bryce,

Foreign Office, March 30, 1911.

I wished to consult the Prime Minister, the Lord Chancellor, and some of our other colleagues on your despatch of the 27th February⁽²⁾ before I sent you an answer.

My telegram sent yesterday⁽³⁾ has, I think, covered by implication most of the points you raise.

We are very anxious to have an arbitration treaty which shall bear on the front of it an article stating that, however grave a dispute between the two countries may be, it shall be settled by arbitration, and not by war. The moral effect of such a statement would be considerable, and would, I think, increase. Such an agreement is what ought to be made after Taft's speeches. The example would spread, and I am not without hope that one or more great European Powers would eventually make a similar agreement with us and the United States. When they did so, their action would have a real effect upon expenditure on armaments and the "moral" of international politics. Let us therefore begin with an article of this kind between the United States and us.

Next, we would suggest an article to provide that the first step with regard to any difficulty which could not be settled diplomatically between the two Governments should be to refer it to a commission instructed to recommend a settlement. A commission would be much more likely to recommend a settlement unanimously, or by a large majority, than they would be to take the responsibility of giving a binding decision. The responsibility for accepting the recommendation of the commission would rest with the two Governments; but the latter would be reluctant to refuse to agree to a settlement recommended unanimously or by a five to one majority. The commission might consist of six members—three American and three British.

Disputes referred to this commission might not always be of a legal character, and they might involve one or more colonies. Therefore we cannot have a standing commission. For instance, if Canada was affected, probably two of our three representatives on the commission would have to be Canadian; one or two in the case of Australia would be Australian; and so on. Also, as the matters referred to the

(1) [The original of this letter cannot be traced. The text given above has been taken from the *Confidential Print*.]

(2) [*v. supra*, p. 553, No. 458.]

(3) [Not reproduced, as the contents are sufficiently indicated above. (F.O. 11578/1139/11/45.)]

commission would not always be legal, a panel of judges would be too limited in character. For these reasons, we are inclined to think that the commission should in each case be formed by unlimited selection from amongst United States citizens and British subjects, and be appointed *ad hoc*.

It would not be necessary to draw up terms of reference so strict, or to put questions so specific, as in the case of an arbitration tribunal; and I think that there should be no difficulty about the executive of the United States having power to refer matters to such a commission without submitting special terms of reference to the Senate.

If the arbitration treaty is as wide as I suggest, there could hardly ever be a difference of opinion as to whether a case came within the terms of the treaty or not.

In a further article it should be laid down that, if the commission failed to recommend a solution by a majority, the question at issue should be submitted to arbitration. But I would not restrict this appeal to The Hague Tribunal. I would draw the article so widely that, if it seemed desirable, the Governments would have the power to invite a neutral to act as umpire on the commission, though at this stage the difficulty of the Senate might come in.

I do not see why the commission, if they failed to recommend a settlement, should not be asked to draft a "compromis" for arbitration as part of their recommendation. If that "compromis" could be made obligatory without the interference of the United States Senate, so much the better.

We are anxious to have your opinion as to whether an attempt should be made to except matters which are intrinsically insignificant. We feel that it would be better that we should not make any suggestions which would have the effect of limiting the treaty, and we should decide definitely in this sense were it not for the recollection of such a case as that of Mrs. Maybrick, who was condemned by our criminal courts, and with whose sentence the United States sought to interfere. Under an unlimited treaty it is conceivable that a request might be made for a case of this sort to be referred to arbitration, and such a request would be extremely unreasonable. Personally, I am rather disposed to trust the Governments to be reasonable than to attempt to limit the treaty, because I see very great difficulties in defining limitations. But this is a point on which we have suspended judgment until we hear from you.

The Japanese are ready to modify our treaty of alliance with them, so as to except from any obligation to resort to force any question arising under a treaty of unlimited arbitration between themselves and any other power, or between us and any other Power; but this you must treat as confidential for the present.

I am not quite clear as to what is meant by the end of the penultimate paragraph in your memorandum No. 2.⁽⁴⁾ As to the last paragraph I would rather that the proposal for any limiting formula came from the United States, and not from us; and if any limiting formula is found necessary, we hope the limitations will be as little as possible and not impair the comprehensive character of the arbitration treaty.

Yours sincerely,

E. GREY.

⁽⁴⁾ [v. *supra*, pp. 554-5, No. 458, *encl.*]

No. 464.

Sir Edward Grey to Mr. Bryce.⁽¹⁾

Tel. (No. 99.) P.

Foreign Office, April 3, 1911.

Anglo-American arbitration.

It was observed to-day by the Japanese Ambassador that the American press is talking of the Anglo-Japanese Treaty as a hindrance to an arbitration treaty.

⁽¹⁾ [The decypher of this telegram cannot be traced. The paraphrase given above has been taken from the *Confidential Print*.]

You will see from my letter⁽²⁾ that we have provided for this objection most satisfactorily, but, unless the United States Government mention the matter to you, you should not yet refer to it; if they do you may state confidentially to the Minister for Foreign Affairs that when the arbitration treaty is under way the point will not cause any difficulty, as it has already been discussed with the Japanese Government.

(²) [This letter cannot be identified for certain, but *cp.* Sir Edward Grey's despatch of March 27, *supra*, p. 511, No. 414, and his letter of March 30, *supra*, pp. 559-60, No. 463.]

No. 465.

Sir Edward Grey to Mr. Bryce.

Private.⁽¹⁾

My dear Bryce,

Foreign Office, April 3, 1911.

Whitelaw Reid observed to me to-day that Mr. Phillips had not yet heard any thing from Washington since I asked him to let me know if any thing which was taking place here was likely to be embarrassing to the President with regard to Arbitration. Mr. Knox had been away, and the United States Government had Reciprocity and the Mexican troubles and other things on their hands.

Whitelaw Reid gave as his own personal opinion that it was not quite certain what the effect of demonstrations here would be on public opinion in America, and he spoke with great appreciation of the line I had taken in my letter to the Secretary of the Free Church Council. There was very strong and favourable feeling in America, though it was less effusively expressed than here. The recent demonstrations in New York had not struck him as being quite so spontaneous as ours. But there was at one of them a speech which was worthy of remark: it was made by Mr. Henry Taft, a brother of the President, with whom he was likely to be in close touch.

The Senate might, at first, claim its right to have everything referred to it; but he thought feeling was so strong in the United States on the subject of Arbitration that, if the Senate claimed this right, it would eventually have to give way. The Senate was not less sensitive to public opinion than other bodies, and it had lately had one or two lessons on the danger of holding out too long against public opinion.

I said that a Treaty containing a Preamble or an Article binding the two countries never to resort to war, and to settle their disputes peaceably, would have very great value. To this we might add an Article arranging that, when a dispute arose between us, it should be referred to a Joint Commission, of say six members, nominated by the two Governments and instructed, not to give a decision but to recommend terms for the settlement of the dispute. Could not this be done as an executive act, which once sanctioned by a general Treaty would not need further reference on each occasion to the Senate?

I explained to Whitelaw Reid that I was sure the indirect advantages of a Treaty of this kind between the United States and ourselves would be very important. Europe would be obliged to find some way out of the mess into which she was drifting owing to the increasing expenditure upon armaments, and it would be a great thing if the United States and we ourselves pointed the way which other European nations might eventually follow. I did not see why even Germany should not follow our example to the extent of agreeing to refer disputes, in the first instance, to a Joint Commission, which would recommend a solution.

Whitelaw Reid entirely agreed with what I had said about the value of a general declaration not to resort to war, and of a Joint Commission for the purpose of recommending a settlement as a first step, to be followed by Arbitration in case of failure. He said the attachment to the Monroe Doctrine was still very strong in the United States, though people there were beginning to feel that it might have

(¹) [Grey MSS., Vol. 44.]

inconveniences if pressed too far. He thought they would always adhere to it as far as Mexico and Central America were concerned, but they might no longer wish to assume responsibility for every thing which might happen between their own territory and the South Pole.

I observed that, with regard to countries in that region, any questions which we might have for Arbitration would be only commercial questions.

Yours sincerely,

E. GREY.

No. 466.

Mr. Bryce to Sir Edward Grey.

F.O. 13570/1139/11/45.

(No. 97.) Confidential.

Sir,

Washington, D. April 4, 1911.

R. April 12, 1911.

I have had some conversation with the President and the Secretary of State and Mr. Chandler Anderson of the State Department about the General Arbitration Treaty. The two former talk only about the best way of widening the terms of the Treaty so as to omit the exceptions in the Treaty of 1908 and yet make it clear that arbitration is to be applied only to matters which are really arbitrable, i.e. not to internal matters nor to trivial matters. They are still in doubt as to the best form of words. The Secretary of State suggested "questions internationally justiciable," but admitted that these words might well be interpreted as covering only such cases as had been heretofore referred to arbitration, whereas it is now desired to extend the method to other cases. He might personally be satisfied with Mr. Root's view that the simplest plan would be to merely omit the exceptions in the Treaty of 1908 of "vital interests independence and honour," but he seems to think that public opinion would like to go further than the words "differences of a legal nature" in the Treaty of 1908. Believing that it is undesirable to resort to limiting words or to add lists of exceptions, if this can be avoided, I should be disposed to suggest such a general phrase as "questions affecting the interpretation of treaties or otherwise of an international nature," as obviously excluding domestic matters, while yet wide enough to cover cases such as the disputes which led to the war of the United States against Spain in 1898 and the recent war of Russia and Japan, and the question between Austria, Servia and Russia two years ago. It might be worth while to examine all the cases in which war has broken out or been imminent during the last fifty years in order to see what form of words would cover them. There may have been cases which no words would have covered, but I can hardly think of any such cases as likely to arise between ourselves and the United States.

The President and Mr. Knox like your suggestion that there should be a general declaration against resort to war.

A further question arises as to the proposal for a Joint Commission to examine and report. The President and Mr. Knox seem not to be thinking of this for the moment, and I have not pressed it, because it seems important to concentrate attention on the terms of general arbitration. Mr. Anderson, who had worked out a Commission plan, thinks that the vital thing now, after the President's declarations and yours, is to get the general terms first. Once they are got, the Commission seems to me a valuable adjunct and one calculated in many cases to preclude the need for going to arbitration at all.

As respects the Senate, the President and Mr. Knox seem to be now convinced that that body would not consent to forego the function they claim of approving every "submission" or "compromis" under the General Treaty; and sharing their view, I have raised no objection to this. But your view that there is no similar reason why any reference of a dispute to the Joint Commission should be submitted to the Senate

seems to me to be sound; for that would not come within the terms of the United States Constitution, on which the Senate relies; and when we get to a discussion of the Commission I propose to raise that point. I notice that the American Ambassador in London accepted your view.

The President and Mr. Knox have not referred to the question of our treaty with Japan, about which a little dust has been raised by some newspapers, evidently understanding that it would not be suffered to be an obstacle. I am, however, very glad to be able to communicate to them, if the matter comes up, the contents of your telegram No. 99.⁽¹⁾

I have, &c.

JAMES BRYCE.

⁽¹⁾ [*v. supra*, pp. 560-1, No. 464.]

No. 467.

Sir Edward Grey to Mr. Bryce.

F.O. 12633/1139/11/45.

Tel. (No. 106.)

Foreign Office, April 10, 1911.

Your despatch No. 92 (of March 28. General Arbitration Treaty).⁽¹⁾ I approve of proposal to substitute the word "submission" for "special agreement." For reasons given in my letter of March 31⁽²⁾ I attach importance to establishment of a Joint Commission to recommend settlements. It can be established as part of the machinery of an unlimited Arbitration Treaty.

⁽¹⁾ [*v supra*, pp. 558-9, No. 462.]

⁽²⁾ [This probably refers to Sir Edward Grey's letter of March 30. *v. supra*, pp. 559-60, No. 463.]

No. 468.

Mr. Bryce to Sir Edward Grey.⁽¹⁾

Private.

My dear Grey,

Washington, April 11, 1911.

Thank you for your letter of the 30th March,⁽²⁾ which reached me yesterday. Thinking it desirable to accelerate the progress of the Arbitration Treaty, for the State Department are rather dilatory and much under-staffed, I went at once this morning to see Knox, and read him so much of your letter as it seemed necessary or useful to communicate. He was greatly interested, and expressed his thanks for the help it had given him, and asked if I could give him a copy. I told him he should have what I had read him, and I have accordingly sent him a copy, omitting, of course, the two first paragraphs and the three last, and telling him that the copy is not to be deemed official, or as expressing the final and settled views of His Majesty's Government. I added that it was to be treated as confidential.

He seemed to like your idea of having at the outset an article emphatically renouncing war between the two countries.

He had not much considered the question of a commission, but seemed to have no objection to it, or to your suggestions regarding it. Anderson, who was present, thought the commission under the Boundary Waters Treaty would be sufficient as regards Canadian questions. They suggested that the national members of the Hague

⁽¹⁾ [The original of this letter cannot be traced. The text given above has been taken from the *Confidential Print*.]

⁽²⁾ [*v. supra*, pp. 559-60, No. 463.]

Court might perhaps be a permanent element in the commission, but without committing themselves to that idea. They agreed that the selection ought to be from all British subjects and United States citizens—not judges only.

They agreed that questions referred to the commission should be referred generally, not with strict terms of reference, and Knox thought the President could, in virtue of his general powers, refer a question to a commission without the sanction of the Senate.

As regards the powers of the commission, they agreed that these should be confined to recommendation, the responsibility for accepting a decision or recommendation resting with the two Governments.

Knox said, and I think correctly, that the concurrence of the Senate would not be needed for anything that belonged to the sphere of report or persuasion, but only for what took the form of decision. Thus the Senate would not come in as regards the reference to the commission, or anything done by it, but only where there was to be some final and binding action by the President, such as submission to arbitration. He thought, therefore, that if the commission were asked to frame terms of submission, *i.e.*, a “compromis,” for an arbitration, these would have to be laid before the Senate.

It would be proper, they agreed, that if the recommendations of the commission were not adopted, the question should go to arbitration.

Then the question arose whether all questions should be arbitrable. We agreed that matters of internal legislation, including tariffs and the exclusion of immigrants, were not, and obviously could not be, but they did not suggest that we should except them *nominatim*, and I expressed your view that it was better to trust to the reasonableness of the parties than limit by exceptions, and that the wider and more general the terms the better. They raised the question of the Monroe Doctrine, which they admitted to be more properly called a policy, asking whether it was to be arbitrable. I replied that any such question that might arise as in their view affected by the “Doctrine” would be a question between ourselves and some other American State—not the United States—and that we should doubtless be willing to arbitrate such a question with that State, which was all they had asked for in the Venezuela Case of 1895–96. They did not, however, seem to be quite satisfied about this, and may possibly return again to the point.

I told him that, although he had never mentioned Japan, it was well that he should know that there would be no difficulty on the score of our treaty with her. He said that though he had not raised the point he was glad to have this assurance. He had thought on reading that treaty that in a certain case His Majesty’s Government might be bound to fight for her against the United States. I said that I doubted whether the treaty could be taken to go quite that length, but that anyhow, Japan had been communicated with, and he might take it that no difficulty would arise. He expressed much satisfaction at this assurance, which it seemed sufficient at this stage to give in general terms.

Personally, I am entirely of your opinion that it is better to rely on a broad and general wording of the treaty and on the good sense of both nations in interpreting its terms. This reliance will be all the easier if we have the preliminary stage of a commission of eminent and experienced men, who could kill off insignificant cases not proper for arbitration.

In talking subsequently with Anderson, who does the drafting, I suggested that it might be better for the public effect and for simplicity to begin with the general part of the treaty, the declaration against war, and reference of all questions to arbitration, and then proceed to the more complex commission provision. He was disposed to take that view.

They hope to have a draft ready within a fortnight, and though I do not count on this, it seems possible that we may receive it before the end of April.

I was going to have asked you what you think as to the words in article 1 of the Arbitration Treaty of 1908: “provided they do not concern the interests of third parties,” and also what is your view as to the duration of the treaty—whether a term

should be named or not, and if so, what term (see article 4 of treaty of 1908). Perhaps we may as well await their draft, but the points are worth considering. I presume we should retain the provision relating to the colonies in article 2 of treaty of 1908.

Sincerely yours,
JAMES BRYCE.

No. 469.

Colonial Office to Foreign Office.

F.O. 13779/1139/11/45.

Downing Street, D. April 12, 1911.

Sir,

R. April 13, 1911.

I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir E. Grey, the accompanying copies of Questions and Answers in the Canadian House of Commons on the subject of an Arbitration Treaty between the British Empire and the United States.

I am, &c.
C. P. LUCAS.

Enclosure in No. 469.

Questions and Answers in Canadian House of Commons.⁽¹⁾

Anglo-American Arbitration Treaty.

Mr. Sproule. Before the Orders of the Day are taken up, I notice that a good deal of interest is being exhibited at the present time in the suggestion of Sir Edward Grey as to the desirability and the possibility of obtaining an arbitration treaty between England and the United States. As this would appear to be a matter of very great and far reaching importance, in which I have no doubt Canada as well as the Mother Country and the United States is interested, equally with all other civilized countries in the world, I would like to ask the Government if they have had any communication with the Imperial Government or with the United States Government on this subject, and if so, if they have anything which they can communicate to the House and through the House to the country?

Sir Wilfrid Laurier. The Government has received no communication whatever, either from the Imperial authorities or from the United States on this very important subject; but I have no hesitation in adding that if it were in the power of Canada in any way to help towards such a laudable object, we would be only too glad to do so.

Monday March 20th, 1911.

Proposed Arbitration Treaty between the British Empire and the United States.⁽¹⁾

[*Mr. Fowke.*] Has the attention of the Government been called to the recent speeches of Sir Edward Grey and President Taft in reference to a proposed arbitration treaty between the British Empire and the United States and is the Government prepared to express any opinion on the subject?

Sir Wilfrid Laurier. The attention of the government, and, it may be added of the whole people of Canada, could not fail to be attracted to the proposition, now being discussed by Sir Edward Grey and President Taft, of a treaty of arbitration between Great Britain and the United States which would secure for them and their respective peoples the blessings of perpetual peace.

Whilst the government of Canada could have no direct voice in the negotiations, it can be safely asserted that there is no part of the British Empire where such a treaty

⁽¹⁾ [*cp. Debates, House of Commons, Dominion of Canada, Session 1910-11, Vol. III, pp. 5619 and 5834. The text is identical with the above, except for capitalisation and punctuation, and the inclusion of the name of Mr. Fowke added above in square brackets.*]

would be more welcome than in the Dominion of Canada, which is so closely connected with the United States by geographical proximity and ever-increasing trade relations, and which is still more intimately connected with Great Britain by the strongest bonds of devoted allegiance.

22nd March, 1911.

No. 470.

Mr. Bryce to Sir Edward Grey.

Private.⁽¹⁾

My dear Grey,

Washington, April 28, 1911.

To-day I saw Chandler Anderson, who is drafting the General Arbitration Treaty, to ascertain what progress is being made. He read me his draft so far as it was completed inviting my remarks upon it.

I told him that it contained in my opinion too many qualifications and exceptions, and that it would be better to make it broad and simple; for the moral effect of the treaty would be lessened if it contained phrases perplexing to the ordinary man and which might be thought to raise questions as to its applicability in various sorts of cases. Critics, moreover, would remark that among all these provisions it would be easy for the Senate, if it wished to find some pretext for arguing that the treaty was not applicable to some particular case, which they wished to exclude. I also renewed your suggestion that an introductory disclaimer of any resort to war in the future would be valuable, and make a good impression on those who might be unable to appreciate the effect of the legal provisions. Anderson was at work on the Commission provisions, and proposed to give it powers to deal with almost every kind of case. His draft excluded questions of national policy, and he explained that he was, as I had guessed, thinking of the Monroe Doctrine; I dwelt on the objections to inserting a reference of this kind, pointing out how superfluous it was at all events in the present treaty, and in with everybody but Germany, with whom there was little likelihood that any treaty as wide as ours would be made. Being in a subordinate post he is perhaps rather nervous and over-cautious. He promised to go through his draft with the Secretary of State to-morrow. I urged him to let me have a copy by Monday to send to you by Tuesday's mail; and he said that if he could not let me have one by then officially, he would try to give me one unofficially simply for your preliminary consideration until an official proposal could be made.⁽²⁾

I impressed upon him the necessity for going ahead promptly if the matter was to be disposed of at this Session of Congress, as the President had said he hoped it would be.

I hope to go to Canada on Tuesday, May 2. to confer with the Governor General and Sir W. Laurier on several pending questions before the latter starts for England but shall write again before starting.

Sincerely yours,
JAMES BRYCE.

(1) [Grey MSS., Vol. 44.]

(2) [On May 1 and again on May 16, Mr. Bryce, in private letters to Sir Edward Grey (Grey MSS., Vol. 44), stated that he had not received the draft from the State department. The draft was finally received from the United States Government on May 17, v. *infra*, pp. 568-73, No. 473, where the draft is reproduced.]

No. 471.

*Sir Edward Grey to Mr. Bryce.*Private.⁽¹⁾

My dear Bryce,

Foreign Office, May 11, 1911.

I am disquieted by the American wish to exclude questions of national policy from the Arbitration Treaty, as described in your letter of April 28.⁽²⁾

The Monroe Doctrine, as I remember it, is that the United States will not allow any European Power, or I suppose any foreign Power outside the American Continent, to acquire fresh territory on the American Continent. There is, of course, nothing for arbitration in this: one cannot arbitrate about a policy until some concrete question arises under that policy, and as we have no intention of acquiring fresh territory on the American Continent I do not see how any question for arbitration disturbing the Monroe Doctrine can ever arise between the United States and us.

It would altogether spoil the Treaty to make sweeping exceptions, and it would be quite inconsistent with Taft's public speeches, in which he has expressly mentioned questions of territory as things which should not be excluded from an Arbitration Treaty.

If serious difficulty does arise in connection with this point, it might be possible to get over it by a preamble to the Treaty, in which we would disclaim any intention of acquiring fresh territory on the American Continent, and the United States would disclaim any intention of interfering by force with any of the existing British Dominions or Possessions in or adjacent to the American Continent. But this would be a "pis aller" which would to some extent spoil the effect of the Treaty, and it is only what occurs to me at the moment.

I attach great importance to the introductory disclaimer of any resort to war in the future. If the Senate will pass this, it will be a set-off against any reservations which the Senate may make as to interfering in the final stages of arbitration proceedings.

We are having a burst of warm weather; and when I was away, last Sunday, amongst the new leaves and hearing the birds sing, I recalled with great pleasure my walk with Roosevelt last year, and meditated a letter to him, which I shall write when I have time.

Yours sincerely,

E. GREY.

⁽¹⁾ [Grey MSS., Vol. 44.]⁽²⁾ [*v.* immediately preceding document.]

No. 472.

Mr. Bryce to Sir Edward Grey.

F.O. 19096/1139/11/45.

Tel. (No. 64.)

Washington, May 19, 1911.

Arbitration.

President informs me that there is no objection to a preamble and indeed one has been prepared but they had not put it in the draft sent,⁽¹⁾ because the same preamble would not have suited our treaty and the one to be made with France, draft of which is similar to ours. Term of years is left blank for consideration. Ten years would be [*sic*] probably be accepted, if desired. Offer is being made to France, because French Ambassador had suggested it some time ago, but it is not known whether France will accept. U[nited] S[tates] Government, regarding draft as tentative, ask for criticisms and suggestions.

⁽¹⁾ [*v.* immediately succeeding document, and *note* (2).]

MINUTES.

Is it clear that the preamble referred to is a declaration not to resort to hostilities?

E. G.

It is not absolutely clear, altho[ugh] the passage marked on Mr. Bryce's No. 92⁽²⁾—annexed—seems to point to that being the intention of a preamble.

G. S. S.

22/5.

(2) [*v. supra*, pp. 558-9, No. 462. Mr. Bryce's despatch is not annexed to these minutes; the original is not marked in any way.]

No. 473.

Mr. Bryce to Sir Edward Grey.

F.O. 20501/1139/11/45.

(No. 139.)

Sir,

Washington, D. May 19, 1911.

R. May 29, 1911.

I have the honour to enclose herewith a copy received on the 17th from the Secretary of State of the proposed draft Treaty of Arbitration between the United Kingdom and the United States, the most important points of which were communicated to you by cable the same night.⁽¹⁾ This copy includes the Preamble,⁽²⁾ which, as the President observed to me, throws light upon and gives a character to the subsequent operative provisions of the Draft Treaty. Both the Preamble and Articles contain not a few provisions suggested by us as proceeding from you or suggested by this Embassy as deserving to be considered. I had had some talk with the President last night and with the Secretary of State this morning regarding the draft and give here the results of these conversations.

Preamble. The Secretary of State considers the terms of the Preamble as tantamount to a renunciation by the two Powers of hostilities. I gathered from the President that he would not object to a more express renunciation of War as a means of settling disputes if His Majesty's Government should desire to express this in a more solemn and explicit way.

Article I. The Secretary of State considers the term "internationally justiciable" to mean "differences in their nature susceptible of judicial determination (i.e. of being passed on by a Court), and such as one nation would be entitled according to practice and understanding to require another nation to submit to be determined by arbitration. He does not consider that it is a vague expression. He and the President referred me to the words of Mr. Justice Brewer in the case of *Kansas v. Colorado*, United States Reports, vols. 185 and 206 for an authoritative exposition of the term. I asked the President if he considered that the ground of quarrel between the United States and Spain which gave rise to the war of 1898 was "internationally justiciable" and he said he thought it would fall under the term. On the other hand the French Ambassador who has been to see me, says that the Solicitor to the State Department told him that in his view that quarrel did not belong to the justiciable class. The Ambassador finds the expression vague and unsatisfactory and complains that the United States Government seem unable to indicate exactly what kind of cases it would cover. Personally I am still inclined to conceive that the phrase "of an international nature," i.e. "not affecting domestic policy or administration" may be preferable, but it is hard to find any quite satisfactory phrase.

Article I, end of paragraph 1. I enquired whether the expression "special agreement" ought not to be replaced by the expression "terms of submission." Mr. Root had suggested to me that the latter phrase was preferable because it

(1) [*cp. supra*, p. 567, No. 472, note (1).]

(2) [There is some difficulty here. The copy of the draft enclosed in this paper does not contain the preamble. It appears, however, in the *Confidential Print*, as having been enclosed, and has been reproduced from there.]

implied that the question must be sent to arbitration somehow, whereas "special Agreement" seemed to leave a larger amount of independent authority to the Senate in making or refusing to make the Agreement. The Secretary of State appeared to acquiesce in this suggestion. I shall be glad to hear if you approve of it and if so how you would wish the last 4 lines of paragraph 1st of Article I and the third paragraph of that Article to be worded. It will be in your recollection that the Senate in accepting the Hague Convention of 1907 expressly reserved to itself the right of passing on the form of the Special Agreement or Compromis, refusing to let that be decided (in case of difference between the parties) by the Tribunal under Articles 53, 54.

Article II. The United States Government attach great importance to the Joint High Commission being composed of Nationals only and think it better they should be permanent rather than chosen *ad hoc*, but they are willing to provide for *ad hoc* appointments if desired in any particular case. This will enable Colonial subjects of the Crown to be appointed if desired.

I called the attention of the Secretary of State to the provision at the end of paragraph 2 of Article II that the membership of the Commission and Terms of REFERENCE should be determined by an exchange of Notes. He admitted that this was not necessary but said that as the Senate would certainly raise the question whether their concurrence was to be required to appointment and setting in action of the Commission, it was better to say frankly that their concurrence was not to be required, because the Commission were not to have the power of delivering a binding award.

Article III, last paragraph. This paragraph is deemed valuable, as enabling the scope of the Treaty to be determined by a body composed of nationals and therefore capable of considering questions in the light in which British public opinion and American public opinion would regard them.

Article III. I asked the Secretary of State what he thought of the suggestion that when the Joint High Commission were equally divided they might be empowered, if they thought fit, to name a jurist or publicist belonging to some third country to sit with them in order to help them to arrive at a solution of such difficulties as they might encounter and to bring about as large a measure as possible of agreement in their recommendations. He seemed at first rather averse to the idea, but presently admitted that the presence of such an impartial adviser and helper might be useful, and would ease the position of any Commissioner who might feel conscientiously disposed to take a line likely to expose him to criticism in his own country. I shall be glad to know whether the suggestion commends itself to you.

Article III, paragraph 3. I enquired whether it was intended that the Commission of Enquiry constituted for the purposes of this paragraph be taken from the national members of the Hague Tribunal. Mr. Knox thought *prima facie* they should be, but considered that, as in the case of Article II, paragraph 2 others might be chosen if the parties so desired.

Article III, last line of last paragraph. It may be deserved to be considered whether the words "as recommended and" should not be inserted after the word "arbitration."

Article VI. The provision regarding the Boundary Waters Treaty seems intended to prevent this Treaty from superseding the provisions for arbitration under that Treaty, but it may possibly be thought that there should be also words implying that the existence of that Treaty was in no way to be an obstacle to the reference to arbitration under this Treaty of questions so large or difficult as to be better fitted for the more important Tribunal to be constituted under this Treaty.

Article VII. No term of duration is proposed, because it is desired to have an expression of His Majesty's Government's views on the subject. When I asked the President whether he thought ten years would be a good term he assented. When I enquired Mr. Knox's view, he said he would prefer to fix no term at all. That would be better than fixing a short term.

Mr. Knox referred to two questions of some importance on which he said that he would like to have a communication from His Majesty's Government as soon as possible as it would be necessary for the President to inform the Senate regarding them.

One of these relates to the Treaty between His Majesty and Japan. I had told him that there would be no difficulty on that score an arrangement having been made with Japan. He would however like to have a definite and formal statement on the subject which he could quote, showing that our Treaty with Japan constituted no obstacle to the present Treaty. The other relates to the fortification of the Panama Canal. As His Majesty's Government had stood by seeing the United States build the Canal and announce its intention of fortifying it, Congress having authorized such fortification and furnished funds for it, the United States had felt entitled to assume that His Majesty's Government took no objection to their design of fortifying it. Several journals in England had however contained articles arguing that the United States had no such right and Senators had begun to address questions to him or the President on the subject. He would therefore like to have a declaration from His Majesty's Government as soon as possible which might put an end to any further debate upon the matter.

It is quite true that the silence observed by Great Britain during the long time through which this question was being actively canvassed here has made the impression that we do not object to the fortification of the Canal practically universal. As it is certain however, that the matter will be raised in the Senate, the United States Government may naturally desire to be in a position to meet their questions.

The announcement that the draft Treaty had been communicated to this Embassy and the outline of its provisions which has been issued by the State Department (a copy of which is enclosed)⁽³⁾ have been very well received by the press and the public. The President told me last night that he had received at least one hundred telegrams from Chambers of Commerce and other public bodies congratulating him or expressing approval.

It is so important to get the Treaty before the Senate at an early date that I hope you may find it possible to deal with the matter by cable, so that at least those points which are of most substance may be adjusted as soon as possible even if minor questions of wording have to await the course of post.

The French Ambassador told me that he did not know whether his Government would wish to conclude such a general Treaty as this or not. He thought on the whole that they would.

I have, &c.

JAMES BRYCE.

Enclosure in No. 473.

Draft Treaty of Arbitration between the United Kingdom and United States.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of making perpetual the peace which has existed between the people of the two nations since their treaty of peace and amity, signed at Ghent the 24th December, 1814, wherein it was provided that "there shall be a firm and universal peace between His Britannic Majesty and the United States," which good understanding has never since been interrupted by an appeal to arms, but has been observed and maintained now for nearly a century as an inviolable obligation, and has been confirmed and strengthened in recent years by a number of treaties between them, by which all pending controversies have either been adjusted by agreement or settled by arbitration, so that happily now for the first time in their relations as independent nations there are no important questions of difference outstanding between

⁽³⁾ [This enclosure is not reproduced. It is an extract from the *Washington Post* of May 18, 1911.]

them; and being also desirous of preventing any future difference from interrupting their good relations and friendship.

The high contracting parties have therefore resolved, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of the 4th April, 1908, so as to exclude certain exceptions contained in that treaty, and to include all future questions of difference which it shall be found impossible to settle by diplomacy and which fall within the legitimate sphere of arbitration, and for that purpose they have appointed as their respective plenipotentiaries :—

The President of the United States of America, Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles :—

ARTICLE I.

All differences hereafter arising between the High Contracting Parties which cannot be adjusted by diplomacy and which are in their nature internationally justiciable, and in respect of which either of the High Contracting Parties shall have or claim rights against the other under treaty or otherwise, provided that they do not concern the interests of third Parties, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other arbitral tribunal to be instituted by the Parties hereto as may be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at the Second Peace Conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such Convention, shall govern the arbitration proceedings to be taken under this Treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof; His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreements shall be binding only when confirmed by the two Governments by an exchange of notes.

ARTICLE II.

The High Contracting Parties further agree to institute, as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred from time to time for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them out of international questions, even if they are not of a justiciable nature; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either Party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the High Contracting Parties shall designate two of its four members for the time being of the Permanent Court of Arbitration at The Hague to act as members of the Commission of Inquiry for the purposes of such reference; or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

ARTICLE III.

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question may be included in the terms of reference and shall be submitted to a Commission of Inquiry consisting of six members, three to be designated by each Party in the manner herein provided; and if all or five of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.

ARTICLE IV.

The Commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty, and all parties interested therein shall be given convenient opportunity to be heard; and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned, and to provide for the issue of subpoenas and for compelling the attendance of witnesses in the proceedings before the Commission.

On the inquiry both sides must be heard, and each Party is entitled to appoint an Agent, whose duty it shall be to represent his Government before the Commission and to present to the Commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the Commission.

ARTICLE V.

The Commission shall meet whenever called upon to make an examination and report under the terms of this Treaty, and the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty,

and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and British sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

ARTICLE VI.

This Treaty shall supersede the General Arbitration Treaty concluded between the High Contracting Parties on April 4, 1908, but all agreements, awards, and proceedings under that Treaty shall continue in force and effect and this Treaty shall not affect in any way the provisions of the Treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE VII.

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for _____ years, dating from the day of exchange of ratifications, and thereafter until terminated by twelve months' written notice given by either High Contracting Party to the other.

In faith whereof the respective plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the _____ day of _____, in the year of our Lord, one thousand nine hundred and eleven.

MINUTE.

Sir E. Grey.

I see nothing in this draft Treaty which we could not accept. On the whole, it is much more satisfactory than one might have expected.

1. You may wish to insert some more emphatic expression of the determination of the two Powers never to go to war.

2. The point raised by Mr. Hurst⁽⁴⁾ of the apparent discrepancy between Articles 2 and 3 in regard to the numbers of the Commission should be cleared up.

His idea of a permanent panel of not less than four or more than twelve, from whom the members of the Joint Commission shall be appointed is a good one but provision must be made for the appointment of one or more Colonials. The Colonial Office should be consulted about this.

3. His draft⁽⁵⁾ appears to me simpler than the U[nited] S[tates] D[ra]ft and his emendations an improvement but there is one important divergence from the U[nited] S[tates] Draft in Article 2 last sentence.

Mr. Hurst divides questions which may under the U[nited] S[tates] D[ra]ft go to the Commission into 3 classes—

Questions A, B and C.

He says that in questions A and B the Commission is given power to *order* questions referred to them to go to Arbitration, not only to recommend—

This is not the case with questions A, so far as I can see. The American draft only gives the Commission power to examine and recommend conclusions.

(4) [In a long minute which it has not been thought necessary to reproduce, Mr. Hurst pointed out that a Commission of four members was established under Article II, and one of six members under Article III.]

(5) [This draft is not reproduced. Apart from the differences pointed out and commented upon by Mr. Mallet, the variations from the American Draft are purely verbal.]

Questions B are those as to which the 2 parties are unable to agree whether the question is a justiciable one or not and so arbitrable and in those questions the American draft gives power to the Commission, if a majority decides that the case is justiciable to *order* arbitration—

Mr. Hurst prefers the article to run as follows.

“When the parties disagree as to whether or not a difference is subject to arbitration under Art[icle] I, the whole controversy shall be referred to the Commission: and it shall be open to them to recommend that the whole question shall be referred to Arbitration.”

His is therefore quite a different sort of Article.

The American article merely provides that the Commission shall report if the point is an arbitrable one according to the terms of the Treaty—if it does so report, then it must be referred to arbitration unless the 2 Powers prefer that the Commission should recommend a Settlement.

If the votes are equal, I do not know what is to happen, but I suppose the 2 Powers could always ask the Commission to recommend a solution either by arbitration or not.

According to Mr. Hurst's version, the *controversy* is to be referred to the Commission who will have power to *recommend* arbitration.

In this case, supposing the Monroe doctrine were involved on some other political question, probably the U[nited] S[tates] G[overnmen]t could refuse arbitration. Perhaps we might say, “If the majority of the Commission agree that the case is justiciable, then it shall be referred to arbitration. If the votes are even, the Commission will have power to recommend a solution including arbitration.”

L. M.

I should like to discuss this with Mr. Mallet and Mr. Hurst: meanwhile circulate the American draft and Mr. Bryce's despatch—i.e. the whole of Mr. Bryce's No. 139 as printed to the Cabinet at once.

E. G.
10.6.11.

No. 474.

Mr. Bryce to Sir Edward Grey.⁽¹⁾

Tel. (No. 66.) P.

Washington, May 22, 1911.

Anglo-American arbitration.

Before the treaty goes before the Senate, in view of possible questions there, the United States Government would like you to state the attitude of His Majesty's Government with regard to the fortification of the Panamá Canal and also that no obstacle to the arbitration treaty is contained in the Anglo-Japanese treaty. The Secretary of State wished for something fuller and more formal than the statement contained in your telegram No. 99 of the 3rd April,⁽²⁾ which I repeated to him.

(1) [The original decypher of this telegram cannot be traced. The paraphrase given above has been taken from the *Confidential Print*.]

(2) [*v. supra*, pp. 560-1, No. 464.]

No. 475.

Sir Edward Grey to Mr. Bryce.⁽¹⁾

Tel. (No. 147.) P.

Foreign Office, May 23, 1911.

Anglo-American arbitration.

Your telegram of yesterday, No. 66.⁽²⁾ I should like to know fuller reasons why the United States Government desire us to give them a statement as to what would be our attitude to the fortification of the Panamá Canal.

I had no intention of raising the question, but if this point should in the future ever become a disputed one, it appears clearly to relate to the interpretation of treaties and to be thus covered by the arbitration treaty of 1908. It would therefore be

(1) [The original decypher of this telegram cannot be traced. The paraphrase given above has been taken from the *Confidential Print*.]

(2) [*v. immediately preceding document*.]

impossible for me to bind a future Government not to raise the question in the event of difficulties.

It is proposed to insert a clause in the Japanese treaty, so that we shall not be forced to go to war with a Power with which we have an agreement for unlimited arbitration. The negotiation of the arbitration treaty and of the Japanese treaty will go on simultaneously, and when the former is finally drawn up and ready to be published, the modified Japanese treaty will also be published.

Before that, the United States Government will not, I suppose, expect any statement.

No. 476.

Mr. Bryce to Sir Edward Grey.

Private.⁽¹⁾

My dear Grey,

Washington, May 26, 1911.

Many thanks for yours of May 11⁽²⁾ as to Gen[era]l Arbitration Treaty. Our correspondence regarding it will probably hereafter have to be by cable, for it is important to get it to the Senate as soon as possible. But this may still reach you in time.

The U[nited] S[tates] Gov[ernmen]t very wisely listened to our representations that there should be no references in the draft to Monroe Doctrine or any other exceptions; but of course the risk of trouble from that source is not wholly over, because the Senate may either propose to amend the Treaty by inserting a clause safeguarding this so-called Doctrine, or may pass the Treaty with a rider declaring their own view and stating that their assent is to be conditional upon an acceptance of their rider. Fortunately it is not easy to define their Monroe Doctrine so they may have to confine their wish to assert it to some vague and comparatively harmless formula.

Resolutions against any Arbitration Treaty with England continue to pour in from Irish organizations, and some are said to come from German societies also. They all represent the Treaty as being virtually one of Alliance. It is not however thought that these demonstrations will deter the Senate, for the great bulk of opinion is the other way. But there may well be Senators who will like to make mischief, and would seize on the Monroe Doctrine or the Panama Canal as a means of doing so.

A propos of the Canal question, I enclose a suggestion Young has made, which is worth your looking at,⁽³⁾ tho[ugh] personally I do not advise trying it, for it might get us into a tangle with the Senate, enabling ill-disposed Senators to make trouble and involving delay. On the whole it seems to me simpler, if we think that the Treaty does not forbid the U[nited] S[tates] to fortify, that we should say so now. It is evidently impossible for us to prevent them from doing so, things having gone already so far.

Sincerely yours,
JAMES BRYCE.

⁽¹⁾ [Grey MSS., Vol. 44.]

⁽²⁾ [v. *supra*, p. 567, No. 471.]

⁽³⁾ [Not reproduced.]

No. 477.

Mr. Bryce to Sir Edward Grey.

F.O. 21109/1189/11/45.

Washington, May 31, 1911.

Tel. (No. 75.)

R. 7 P.M.

State Department inform me that Germany has asked for draft of proposed general arbitration treaty in a manner which implies that they desire to consider negotiation of similar instrument.⁽¹⁾

⁽¹⁾ [v. G.P., XXXII, p. 227, *note*. The negotiation with Germany came to nothing.]

No. 478.

Mr. Bryce to Sir Edward Grey.⁽¹⁾

(No. 160.)

Washington, D. June 9, 1911.

Sir,

R. June 19, 1911.

As it may be hoped that the negotiations for the General Arbitration Treaty will proceed pretty quickly as soon as the views of His Majesty's Government have been received here and submitted to the United States Government, it would be desirable that I should soon be placed in a position to reply to the question regarding the attitude of His Majesty's Government on the subject of the fortification of the Panamá Canal, which the United States Government addressed to me as reported in my telegram No. 66 of the 21st ultimo.⁽²⁾

The Secretary of State told me that a leading member of the Senate had asked him what that attitude was, and whether the question of the right of the United States Government to fortify the canal could be referred to arbitration under the treaty. Mr. Knox intimated that what the United States Government would like to have from His Majesty's Government would be a statement that they considered that the Hay-Pauncefote treaty did not inhibit the United States from fortifying the canal, and that they would therefore not demand that this question should be referred to arbitration under this treaty. I directed our conversation to ascertaining, so far as could be done without seeming to show any susceptibility, exactly what they wanted, and gathered that while the administration assumed His Majesty's Government to consider that the treaty did not restrict the United States, still, inasmuch as some British newspapers had argued otherwise, and as some foreign Powers might raise the question, they deemed it desirable to have a declaration from His Majesty's Government, which would set the matter at rest. It was certain that they would have to satisfy the Senate on the subject.

It need hardly be remarked that the contemplated General Arbitration Treaty makes no difference, because under the existing treaty of 1908 His Majesty's Government might now demand the reference of the point to arbitration. This, however, will not prevent the question from being raised in the Senate by persons wishing to pose as patriotic guardians of American rights; and what may be apprehended is that the Senate will be asked, if not to amend the treaty, yet to pass it with a rider declaring the understanding of the Senate to be that this particular matter is not to be deemed arbitrable under the treaty. Should this be done, it is likely enough that some one else will propose to include in the rider a similar declaration excluding from the treaty matters affecting the Monroe doctrine, a result which would be the more undesirable because the Monroe doctrine might be taken by some future Senate to mean anything which the Senate should choose to put into it. The acceptance

⁽¹⁾ [The original of this despatch cannot be traced. The text given above has been taken from the *Confidential Print*.]

⁽²⁾ [v. *supra*, p. 574, No. 474.]

by the Senate of the Convention for the Pacific Settlement of International Disputes, signed at The Hague in 1907, was qualified by a rider, as was also its acceptance of the recent Boundary Waters Treaty, as well as of other recent treaties in which we are less directly interested.

So far as I can judge, it is probable that a statement by His Majesty's Government that they had never considered that the Hay-Pauncefote treaty did restrain the United States from fortifying the canal might satisfy the United States Government and possibly be deemed sufficient by the Senate. They might, however, also ask a declaration from us that we would not hereafter raise the question, and although the President might point out to the Senate that it was highly unlikely that Great Britain, having agreed to the omission of the provision in an earlier draft of the treaty which did restrict the United States, and having never subsequently raised the point even when made aware that the United States were preparing to fortify and that Congress had voted money for the purpose, would afterwards think it worth while to start a controversy as to interpretation, which it would be doubly difficult to support after all that had passed and when the forts were actually in existence; still, in such a body as the Senate, there would probably be persons found to insist on having an explicit declaration from us. It is really not so much the Executive that have in this matter to be considered as the Senate, a Senate which hardly dare reject the treaty, even if disposed to do so, but which contains plenty of people hostile to the President and of their own nature prone to mischief.

As respects Great Britain's position towards Japan under our treaty with her, the moment when it will be necessary to be prepared with the assurance which His Majesty's Government proposes to give will be not later than when the treaty goes to the Senate. It will not be made public here until the Senate has considered it in what is, nominally at least, "secret session," although there are almost always persons in that body who will betray any secrets to the press; and the United States Government will probably assume that His Majesty's Government will not publish the draft in England before it has been considered by the Senate here, that having been our usual practice.

I have, &c.

JAMES BRYCE.

No. 479.

Sir Edward Grey to Mr. Bryce.

F.O. 20501/1139/11/45.

Tel. (No. 168.) R.

Arbitration.

Foreign Office, June 20, 1911.

D. 11 P.M.

His Majesty's Government have carefully considered the draft enclosed in your despatch No. 139.⁽¹⁾ It meets their views in material respects, and they are ready to accept it subject to the following suggestions:—

Preamble, paragraph 1, line 3. After "peace" omit words to end of paragraph and substitute "which has happily so long existed between the two nations, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship."

Paragraph 2, line 1. Substitute "determined" for "resolved."

Line 4. Omit all the words after "to" and insert "provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy."

(1) [*v. supra*, pp. 568-73, No. 473.]

Article 1, line 1, and article 2, line 6. Omit "hereafter arising." These words are ambiguous. It is very difficult to determine the exact date on which a question arises, and they might be interpreted as unduly limiting the treaty.

Article 1, line 2. Omit "in their nature internationally justiciable" and insert "of an international nature."

Article 1, line 4. We should like to omit the words "provided that they do not concern the interests of third parties."

Some disputes of an international nature might directly or indirectly concern the interests of third parties.

It is not impossible that subjects of differences [*sic*] may arise with the United States Government in Central American republics in connection with British commercial interests. Cuban questions again might give rise to difficulties. In fact, the words are capable of an interpretation so far-reaching as seriously to impair the value of the treaty.

Substitute "terms of submission" for "special agreement" throughout, and alter article 1 as follows:—

5th line.⁽²⁾ Insert full stop after "hereto" and continue: "In respect of each difference so referred terms of submission shall specify the question or questions at issue and procedure to be adopted. Such terms shall also, if necessary, provide for the organisation of the tribunal and define the scope of the powers of the arbitrators."

In 3rd paragraph substitute in 1st line "terms of submission" for "special agreement," and in 3rd line omit words "concluding a special agreement in," and substitute the words "so submitting."

Last paragraph of article 1. Omit word "only."

Article 2, paragraph 1, line 6. Omit words "out of international questions even if they are not of a justiciable nature," and insert "even if they are not agreed that it falls within the scope of article 1." Omit also in line 6 the word "hereafter."⁽³⁾

Paragraph 2, line 3. Omit "two of its four members for the time being of the permanent court of arbitration at The Hague" and insert "three of its nationals," and omit words from "or the commission" down to "reference."

Article 3, paragraph 3, line 3. Omit "may be included in the terms of reference," and line 4, omit "a commission" down to "provided," and insert "the joint high commission." The United States draft apparently contemplates two commissions, one of four and one of six members. We think one commission is enough.

Article 7, line 5. Insert "for ten years." The word "thereafter" will automatically prolong the treaty.

⁽²⁾ [In text as printed here (*v. supra*, p. 571, No. 473, *encl.*) this appears as line 7.]

⁽³⁾ [This appears on line 5.]

No. 480.

Sir Edward Grey to Mr. Bryce.⁽¹⁾

Tel. (No.169.) P.

Foreign Office, June 21, 1911.

Anglo-American arbitration.

His Majesty's Government are prepared to give a statement that, in their opinion, the United States Government are not inhibited by the Hay-Pauncefote treaty from fortifying the canal.

We have no intention of raising the question, as, from the point of view of policy, our interest does not appear to be to prevent fortification by the United States Government, but binding assurances would be very awkward for us to give, especially as they may only serve to make the Senate ask for assurances on other points. We

⁽¹⁾ [The original decypher of this telegram cannot be traced. The paraphrase given above has been taken from the *Confidential Print*.]

could accept a rider by the Senate concerning the fortification, and therefore I am inclined to risk it. Assurances on other points and, failing them, riders may be asked for by the Senate, if we volunteer them on one point. If we give no assurance about the fortification, a rider on that point alone will perhaps satisfy the Senate.

No. 481.

Mr. Bryce to Sir Edward Grey.

F.O. 24819/1139/11/45.

Tel. (No. 98.)

Washington, June 26, 1911.

Your telegram No. 169 (of June 21. Arbitration Treaty.)⁽¹⁾

S[ecretary] of S[tate] having already put question about Panama canal fortifications to me, it is hard to avoid answering him before or when treaty goes to Senate. It is certainly undesirable to volunteer or to give any binding assurances to Senate, but it is important to avert if possible proposal of any rider in Senate, because if one rider be proposed for Panama Canal question, other questions might also be inserted and a Panama Canal rider might be so drawn up as to apply to Hay-Pauncefote Treaty generally, which could be objectionable, since interpretation of its provisions regarding equal rates may hereafter become controversial and important. Would you approve my telling the S[ecretary] of S[tate] that if and when question is raised in Senate but not till then, he may say that H[is] M[ajesty's] Government consider treaty does not inhibit fortification. This would seem to offer best chance of avoiding rider and letting the matter pass quietly.

⁽¹⁾ [v. immediately preceding document.]

No. 482.

Mr. Bryce to Sir Edward Grey.

F.O. 25187/1139/11/45.

Tel. (No. 100.) R.

Washington, June 27, 1911.

Your telegram No. 168 (June 20.)⁽¹⁾ Arbitration Treaty).

Preamble, paragraph 2, line 4, is omission intended to begin from the word "exclude" or from the word "include"? Omission of words "exclude certain exceptions," etc., might obviate one class of criticisms already made here.

MINUTE.

I do not at all want to omit the words and I am not pleased that Mr. Bryce has apparently suggested the omission. I wish this telegram⁽²⁾ had gone before his No. 101⁽³⁾ arrived.

E. G.

⁽¹⁾ [v. *supra*, pp. 577-8, No. 479.]

⁽²⁾ ["This telegram" refers to No. 180 to Mr. Bryce, *infra*, p. 581, No. 485, which was drafted by Sir Edward Grey on the minute paper immediately below the above minute.]

⁽³⁾ [v. *infra*, pp. 580-1, No. 484.]

No. 183.

Sir Edward Grey to Mr. Bryce.

F.O. 24819/1139/11/45.
 Tel. (No. 176.)

Foreign Office, June 27, 1911.
 D. 6.50 P.M.

Your tel[egram] No. 98.⁽¹⁾

I concur in proposal contained in last sentence but one and you may so inform S[ecretary] of S[tate].

(¹) [*v. supra*, p. 579, No. 481.]

No. 484.

Mr. Bryce to Sir Edward Grey.

F.O. 25361/1139/11/45.
 Tel. (No. 101.) R.

Washington, D. June 28, 1911.
 R. June 29, 1911.

Arbitration.

I have discussed your amendments⁽¹⁾ with the Secretary of State and also conversed with the President.

Preamble. Secretary of State willing to accept your amendments, but thinks parts of his preamble useful as appealing to public sentiment, and suggests that it might be combined with yours in some such manner as following:—

“Being equally desirous of perpetuating the peace which has happily existed between the two nations as established in 1814 by the Treaty of Ghent and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties, whereby all pending controversies have been adjusted by agreement or settled by arbitration, so that now, for the first time, there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them, or interrupt their good relations and friendship.”

President desires to retain words “exclude certain exceptions contained in that treaty,” valuing the moral effect of this declaration.

Article 1, line 1. The Secretary of State is willing to omit the words “hereafter arising” if preamble retains wording reciting settlement of pending controversies.

Line 2. The Secretary of State and the President prefer to retain phrase “internationally justiciable,” because under it all principles of international law and equity and settled usage could be appealed to, but are ready to accept any equivalent expression which His Majesty’s Government prefer. The Secretary of State suggests following:—

“Differences relating to matters of an international nature in which high contracting parties are concerned, and which are susceptible of being decided by the application of principles of law and equity.”

He would probably accept the following:—

“Differences international in their nature and susceptible of adjudication upon the principles of international law and equity and according to the usage of nations,” or any variation of either of above which would declare the essentially national character of the differences to be arbitrated and imply their treatment in a judicial way. He objects to excepting questions of domestic policy and administration, on the ground that exceptions are undesirable, and thinks that the commission can adequately deal with questions not coming under article 1.

Article 1, line 4. The Secretary of State does not know why interests of third parties appeared in former treaty or here and is enquiring. Meanwhile he reserves question of retaining words objections to which I have stated.

(¹) [*v. supra*, pp. 577-8, No. 479.]

Line 8, "special agreement." Secretary of State and the President agree with you in preferring expression "terms of submission," but the Secretary of State fears it may provoke opposition in the Senate. Point will be further considered.

Article 1, paragraph 3, line 1, "terms of submission." See above.

Paragraph 3, line 3. The Secretary of State reads your amendment as meaning that the self-governing dominions may refuse submission altogether, which would put them in a freer position than the Senate. He thinks that the right of the dominions should be limited to approval of agreement or terms of submission like that of Senate.

Paragraph 4. The Secretary of State agrees to omit "only."

Article 2, line 6. Amendment reserved till terms of article 1, paragraph 1, have been settled.

Paragraph 2. The Secretary of State accepts your amendment substituting any three nationals, but prefers to retain words "or commission" down to "reference," in order to enable number to be reduced, if necessary, in minor cases.

Article 3. Amendment accepted.

Article 7. The Secretary of State is inclined on grounds of sentiment to prefer no term fixed for treaty, so that it might appear perpetual, though subject to year's notice, but if you decide to⁽²⁾ prefer ten years he will accept. United States Government would like to receive from you, when treaty goes to the Senate, confidential note stating His Majesty's Government's arrangement with Japan, which they might use to show that no impediment exists in that quarter. They also desire similar note stating that the Hay-Pauncefote Treaty does not inhibit the fortification. I told him that you would give this, but wished it not to be mentioned beforehand. Unless the question was raised in the Senate, he said this was his own intention.

It is desirable to send notes soon, for reciprocity now seems certain to pass, and Senate may adjourn sooner than was expected.

⁽²⁾ [Marginal comment by Mr. Sperling: "or decidedly [R. S.]"]

No. 485.

Sir Edward Grey to Mr. Bryce.

F.O. 25187/1139/11/45.

Tel. (No. 180.) R.

Foreign Office, July 1, 1911.

Your telegram No. 100.⁽¹⁾

Omission desired by us begins only at the word "include," we did not desire omission of words "exclude certain exceptions, etc."

Have since received your telegram No. 101⁽²⁾ and will reply as soon as Cabinet can consider it: on Wednesday I hope at latest.

⁽¹⁾ [v. *supra*, p. 579, No. 482.]

⁽²⁾ [v. immediately preceding document.]

No. 486.

Sir Edward Grey to Sir F. Bertie.

F.O. 25596/1139/11/45.

(No. 252.)

Sir,

Foreign Office, July 1, 1911.

M. Cambon informed me on the 26th ult[imo] that M. Cruppi would like to know my opinion as to whether the Arbitration Treaty with the United States should be a general one, signed for instance by ourselves and France, or a separate Treaty in each case. If my view was that the Treaty should be a separate one, he thought that our experts should meet to harmonise our views, so that our Treaty with the United States and the French Treaty might assume exactly the same form.

I said that I certainly thought the Treaties should be separate. Indeed, the preamble of the draft sent to us by the United States Government applied only to Great Britain, and would have to be separate for each country. I understand that it was the desire of the American Government to conclude separate Treaties. As to amendments, Mr. Bryce had pressed us very strongly to make our suggestions as soon as possible, in order that the Treaty might go before the Senate this summer. We had therefore cabled our suggestions, and were bound now to agree to the draft of the Treaty if the United States Government accepted our amendments. It was thus impossible for us to discuss them with any other Power.

I told M. Cambon also that, according to the information I had received from Washington the draft had been communicated to the German Government, who had expressed a wish to have it, and their willingness to negotiate.⁽¹⁾ The German Government were, therefore, probably negotiating too, though they had not mentioned the matter to me.

[I am, &c.]
E. G[REY].

(¹) [*v. supra*, p. 576, No. 477.]

No. 487.

Mr. Bryce to Sir Edward Grey.

F.O. 26166/1139/11/45.

Washington, D. July 4, 1911.

Tel. (No. 108.) R.

R. July 5, 1911, 9 A.M.

Arbitration.

I gather United States Government would prefer to retain words "hereafter arising" in article 1, line 1, because these words must be retained in treaties with some other countries—for instance, Germany—as they cannot in those instances say that all pending questions have been settled. As it may also seem doubtful whether all questions can be described as settled between United States and ourselves while sundry pecuniary claims remain unadjusted, perhaps His Majesty's Government had better allow words "hereafter arising" to remain in draft rather than accept Secretary of State's alternative suggestion of formally reciting in preamble that all questions have been disposed of.

No. 488.

Sir Edward Grey to Mr. Bryce.

F.O. 25361/1139/45/11.

Foreign Office, July 5, 1911.

Tel. (No. 184.)

D. 1 P.M.

Your telegram No. 101 (of June 29).⁽¹⁾

You can give note stating that H[is] M[ajesty's] Gov[ernmen]t do not consider that Hay-Pauncefote Treaty inhibits fortification of Panama Canal.⁽²⁾

I am settling revision of Treaty of Alliance with Japan and hope to be able to communicate terms of it to U[nited] S[tates] Gov[ernmen]t next week.

⁽¹⁾ [*v. supra*, pp. 580-1, No. 484. The telegram was despatched on June 28.]

⁽²⁾ [This was done on July 18, 1911. A copy of the note was enclosed in Mr. Bryce's despatch No. 206A of August 14, 1911. The despatch (F.O. 34518/1139/11/45) is not reproduced.]

No. 489.

Sir Edward Grey to Mr. Bryce.

F.O. 25361/1139/45/11.

Foreign Office, July 5, 1911.

Tel. (No. 185.) R.

D. 1 P.M.

Your telegram No. 101 (of June 29).⁽¹⁾

We agree to Preamble as recited in your telegram and we have never desired to omit words "exclude certain exceptions contained in that Treaty": but to make Preamble strictly accurate the word "all" should be omitted before "pending controversies" as pecuniary claims are still outstanding and Senate has not yet passed Freshwater Fisheries Treaty. You should call attention of U[nited] S[tates] Gov[ernmen]t to this point.

Article 1 line 2. We will accept words "Differences relating to matters of an international nature in which high contracting parties are concerned and which are susceptible of being decided by the application of principles of law and equity."

Article 1, line 4.

We still desire to omit reference to interests of third parties; we do not see object of putting this in and think it may create ambiguity.

Article 1 line 8.

We prefer "terms of submission" but difference is not vital and if U[nited] S[tates] Gov[ernmen]t press the point strongly we will accept "special agreement."

Paragraph 3, line 3. Words may stand as in original draft substituting "terms of submission" if accepted instead of "special agreement."

Article 2 line 6.

We think our amendment is simpler and better than reciting again the formula adopted in Article 1, paragraph 1.

Article 2 paragraph 2.

We agree to retain words "or commission" down to "reference" as desired by Secretary of State.

Article 7. If U[nited] S[tates] Gov[ernmen]t have a strong preference for no fixed term we will not press for one.

If United States insist on the limiting proviso respecting interests of third parties you should refer this again to me for consideration, as we attach great importance to omission of this proviso, but if they agree to the omission the discretion given you in this telegram will enable you to settle all other points and we are ready to sign Treaty at once, and if President desires it to be signed at Washington you are authorized to sign it.

⁽¹⁾ [*v. supra*, pp. 580-1, No. 484. The telegram was despatched on June 28.]

No. 490.

Mr. Bryce to Sir Edward Grey.

F.O. 26531/1139/11/45.

Tel. (No. 111.) R.

Washington, July 7, 1911.

Arbitration.

Your telegram No:184.⁽¹⁾

I saw Secretary of State to-day. He agreed to omit reference to third parties in Article (1). All the other points have been settled by me under the discretion given in your telegram and will be reported immediately. One point has however arisen

⁽¹⁾ [The reference is Sir Edward Grey's telegram No. 185, *v.* immediately preceding document.]

which is not covered by that discretion because the Secretary of State has rather changed his attitude from that indicated in my telegram No. 108.⁽²⁾ He accepts your preamble but he now says he would like to make this treaty occasion for wiping out all pending questions and therefore wishes to omit words "hereafter arising." In that case however he would desire to have from H[is] M[ajesty's] Gov[ernmen]t separate declaration that we will not hereafter raise under this treaty or otherwise question of Southern Bonds Claims and Philippine Customs Claims. He regarded other pecuniary claims as comparatively unimportant and capable of being settled under the Claims Convention but these two sets of claims would cause serious trouble in the Senate unless he were authorised to say they would not be raised under this treaty. He urged we should lose nothing by renouncing these claims because the Senate would never admit either to arbitration. I told him that H[is] M[ajesty's] Gov[ernmen]t might decline to make such renunciation. If it complied it would doubtless require renunciation by the United States of such claims against H[is] M[ajesty's] Gov[ernmen]t as the South African War and Atlin Claims. But supposing that H[is] M[ajesty's] Gov[ernmen]t were to think that it was better to retain words "hereafter arising" rather than make any reciprocal renunciation, would that course meet view of the United States? It would prevent treaty from applying to any existing claims and thus preclude questions thereon in the Senate. He replied that as the words "hereafter arising" had stood in his original draft he could not object to retention should H[is] M[ajesty's] Gov[ernmen]t prefer that to the declaration he had suggested, but he thought the treaty would be greatly improved if all pending questions were cleared away.

This is doubtless true and it is also true that we shall never get Southern Bonds Claim and probably never Philippine Customs referred to arbitration. There would also be a gain in ridding ourselves of the South African Claims in exchange for the renunciation of these others. But unless H[is] M[ajesty's] Gov[ernmen]t can decide to do this forthwith the easiest and quickest course is to avoid all further bargaining by saying that we prefer to let "hereafter arising" remain in the text of the treaty.

MINUTES.

I discussed this with Mr. Hurst and Mr. Spicer with the result that the annexed telegram⁽³⁾ has been sent to Mr. Bryce. As you gave me discretion on this point, I thought it better not to delay its despatch.

L. M.
A. N.

In article 6 the word "general" should come out before "arbitration Treaty." It is the new Treaty which should more properly be described as a "general" arbitration Treaty, but if we hear on Monday that the Treaty has already been signed the point is not worth raising.

E. G.

⁽²⁾ [*v. supra*, p. 582, No. 487.]

⁽³⁾ [This refers to Telegram No. 198 of July 10, *v. infra*, p. 585, No. 493.]

No. 491.

Sir Edward Grey to Mr. Bryce.

F.O. 25361/1139/11/45.

Tel. (No. 194.) R.

Foreign Office, July 7, 1911.

Your Tel[egram] No. 111⁽¹⁾ (of 7th July: Arbitration Treaty).

We prefer to retain the words "hereafter arising" in article I, and insert in article VI between "shall" and "supersede" the words "as to all questions within the scope of article I." This will keep alive the Treaty of 1908 for existing

⁽¹⁾ [*v. immediately preceding document.*]

questions, but will not affect the southern bonds and philippine customs claims, because they are excepted from its operation. These can only be considered under the Claims Convention, and we cannot undertake at the present stage to remove them. I understand that "all" is omitted from the sixth line of the preamble.

No. 492.

Mr. Bryce to Sir Edward Grey.

F.O. 26604/1139/11/45.

Washington, D. July 7, 1911.

Tel. (No. 114.)

R. July 8, 1911, 8 A.M.

President told me to-day when I took leave of him that he hoped France would sign arbitration treaty in same form as that settled between Great Britain and United States Government. He was therefore anxious promptly to settle wording by us so that amended draft might be shown to French Government forthwith. He would be glad if (? England) and France could sign simultaneously by not deferring signature more than a week for that purpose. He was hoping daily to hear whether Germany would join, but feared her lawyers would go more slowly.

No. 493.

Sir Edward Grey to Mr. Bryce.

F.O. 26531/1139/11/45.

Tel. (No. 198.) R.

Foreign Office, July 10, 1911.

Your tel[egram] No. 111. (Arbitration).⁽¹⁾

Word "general" should if there is still time be omitted from Article 6, line 1, of treaty, since it would be more correct to regard the new treaty as a general arbitration treaty.

⁽¹⁾ [*v. supra*, pp. 583-4, No. 490.]

No. 494.

Sir Edward Grey to Mr. Bryce.

F.O. 26604/1139/11/45.

Tel. (No. 199.) R.

Foreign Office, July 10, 1911.

D. 4 P.M.

Your telegram No. 114.⁽¹⁾

I have no desire to impede negotiations which the U[nited] S[tates] Gov[ernmen]t wish to prosecute with other Powers, but if terms of our Treaty are settled as I hope they are now, it will be very disappointing in view of what is said at the end of your despatch No. 8 of Jan[uary] 6,⁽²⁾ if signature is delayed for sake of negotiations between the U[nited] S[tates] Gov[ernmen]t and other Powers.

⁽¹⁾ [*v. supra*, p. 585, No. 492.]

⁽²⁾ [*v. supra*, pp. 547-8, No. 453.]

No. 495.

Mr. Bryce to Sir Edward Grey.

F.O. 27571/1139/11/45.
Tel. (No. 120.) R.

Washington, July 14, 1911.
R. 9 A.M.

Arbitration.

Your tel[egram] of July 7.⁽¹⁾

In reply to your suggestions in above S[ecretary] of S[tate] writes that while accepting retention of words "hereafter arising" he does not desire insertion of words suggested by you in Art[icle] 6 because he knows of no existing differences which either country desires to submit under old treaty, pecuniary claims being outside its scope, and as that treaty expires in June 1913, proposed reservation would have little value. He asks whether there is any special question H[is] M[ajesty's] Gov[ernmen]t wish to arbitrate under that treaty. If not, he prefers not to insert words.

He hopes that H[is] M[ajesty's] Gov[ernmen]t will proceed with consideration of question of renunciation of pecuniary claims referred to in my telegram No. (?) 111,⁽²⁾ because U[nited] S[tates] understood that proceedings under claims Convention "would result in barring entire class of claims which have heretofore proved formidable obstacles to adoption of general Arbitration Treaty." I have told him that while these claims lie outside present treaty, H[is] M[ajesty's] Gov[ernmen]t will in any case give early consideration because they are dealt with under Claims Convention which provides means for getting rid of them without formal renunciation. Last paragraph of his letter runs as follows:—"With ref[erence] to statement in last para[graph] of your letter that there is now nothing to prevent our signing treaty forthwith, I hope you have in mind the desire of this Gov[ernmen]t to be assured that Great Britain is prepared to adopt without reserve (? recommendations) embodied in award of North Atlantic Coast Fisheries Arbitration of last year.⁽³⁾ If there is to be any question about willingness of Great Britain to abide by award of Arbitration Tribunal in that case, this Gov[ernmen]t is certainly entitled to be advised of it before proceeding further to extend scope of the policy of arbitration adopted in treaty under which the arbitration in that case was held."

I have replied that H[is] M[ajesty's] Gov[ernmen]t have never been unwilling to abide by the award and that the matter he refers to is not a part of the award but only recommendation. Nevertheless it would be very desirable to remove this matter of controversy forthwith. If it has been adjusted by H[is] M[ajesty's] Gov[ernmen]t with the Prime Minister of Canada as suggested by the Governor General and myself could you so inform me by telegraph? Please also let me have your views as to point in Article (6) in order that the whole draft treaty may be printed in revised form.

As regards duration United States Gov[ernmen]t think moral effect better if no time is fixed in Article (7) but that twenty-four months' notice should be required having regard to the provisions of Article (2), end of paragraph (1).

⁽¹⁾ [v. *supra*, pp. 584-5, No. 491.]

⁽²⁾ [v. *supra*, pp. 583-4, No. 490.]

⁽³⁾ [v. *B.F.S.P.*, Vol. 103, pp. 86-132.]

No. 496.

Sir Edward Grey to Mr. Bryce.

F.O. 27571/1139/11/45.
Tel. (No. 206.) R.

Foreign Office, July 17, 1911.
D. 2.50 P.M.

Your telegram No. 120 (of July 14: Arbitration Treaty).⁽¹⁾

Paragraph 1. Secretary of State's objection can be met by inserting words "or otherwise provided for" after "settled by arbitration" in preamble; this will make it clear that such questions as Pecuniary claims and Freshwater Fisheries, that are not

⁽¹⁾ [v. immediately preceding document.]

finally settled, will not be prejudiced by preamble of Arbitration Treaty. It will be unnecessary then to make any alteration in Article 6.

Paragraph 2.

As Pecuniary claims in question are outside scope of Arbitration Treaty it is unreasonable to ask us to renounce them in connection with it. For us to renounce them would be to purchase consent of U[nited] S[tates] Gov[ernmen]t to arbitration Treaty by special concessions on subjects not relevant to it.

Last paragraph of letter of S[ecretary] of S[tate] quoted in your telegram.

Award is accepted and my letter to you of June 27⁽²⁾ shows that Sir W. Laurier contemplates agreeing to give U[nited] S[tates] Gov[ernmen]t right of objection to Canadian regulations and to abide by decision of mixed Commission of Experts respecting such objections.

It is unfair for United States Gov[ernmen]t to ask us to place ourselves in a worse position than we are now on questions outside scope of new Arbitration Treaty.

We have already by revision of Anglo-Japanese Alliance and statement that Hay-Pauncefote Treaty does not inhibit fortification of Panama Canal taken great pains to make things easy for U[nited] S[tates] Gov[ernmen]t and they ought not to create difficulties for us by asking for concessions outside the Treaty altogether.

Last paragraph of your telegram.

I agree to U[nited] S[tates] Gov[ernmen]t's proposal about Article 7.

(²) [Not reproduced as the contents are sufficiently indicated above. (F.O. 26493/case 607/11/45.)]

No. 497.

Mr. Bryce to Sir Edward Grey

F.O. 28469/1139/11/45.

Washington, D. July 19, 1911.

Tel. (No. 122.) R.

R. July 20, 1911, 8 A.M.

S[ecretary] of S[tate] has just sent me his latest suggestions regarding wording of para[graph] 1, Article 1. In the form he now suggests it is as follows.

"All differences hereafter arising between the High Contracting parties which cannot be adjusted by diplomacy, which are justiciable in their nature and relate to international matters in which the High Contracting Parties are concerned by virtue of a claim(s) (*sic*) of right made by one authority to the other under treaty or otherwise and which are susceptible of being decided by application of principles of law or equity shall be (?) submitted to Permanent Court of Arbitration at the Hague established by Convention of Oct[ober] 18 1907 or to some other arbitral tribunal as may be decided in each case by special agreement, etc."

I see no objection to omitting words "to be instituted by parties hereto," to addition of words "made by one against the other" though they seem superfluous, but I have told him that I think word "and" after "nature" seems to make what follows an addition instead of a development or explanation of word "justiciable" and have suggested substitution for "and" of words "that is to say" and omission of word "which" before words "are susceptible." Point however is hardly worth pressing if it involves delay.

Please let me know as soon as possible your views, as to this paragraph, which is now only point unsettled except your suggestion of addition to preamble in your telegram No. 206⁽¹⁾ to which the S[ecretary] of S[tate] has not yet replied. I am pressing for earliest signature.

The S[ecretary] of S[tate] is anxious to retain words "special agreement" fearing debate might arise in the Senate, if the words "terms of submission" were now substituted for the phrase in the existing treaty.

(¹) [*v.* immediately preceding document.]

No. 498.

Sir Edward Grey to Mr. Bryce.

F.O. 28469/1139/11/45.

Tel. (No. 211.) R.

Foreign Office, July 21, 1911.

Your telegram No. 122.⁽¹⁾ I am disappointed that S[ecretary] of S[tate] should again have varied words of Article I after we had accepted words last proposed by himself. We do not like word "justiciable," not knowing what it means. And the more words added to this paragraph the more doubt as to what it means and the less it approximates to idea of unlimited arbitration advocated by President.

If however immediate signature of Treaty will secure its being sent to Senate this Session I will waive further discussion of paragraph I and you may sign it, with latest suggestions of Secretary of State if he considers them essential.

I assume he will agree to addition of words "or otherwise provided for" in preamble.

Word "general" should be omitted in Article 6 as it is the word used in Anglo-Japanese Treaty to denote this new Treaty of Arbitration as distinct from the previous one referred to in Article 6.

(¹) [*v. immediately preceding document.*]

No. 499.

Mr. Bryce to Sir Edward Grey.

F.O. 32915/1139/11/45.

(No. 197.)

Sealharbour, Maine, D. August 5, 1911.

Sir,

R. August 21, 1911.

I have the honour, in confirmation of my telegram despatched from Washington on August 3rd.⁽¹⁾ to inform you that I on that day signed the General Arbitration Treaty which has been under negotiation with the United States Government for some months past. Having been urgently requested by the Secretary of State to come to Washington to sign it there in the presence of the President and at the same time as the signature of the similar treaty between the United States and France. I complied.

I transmit in another despatch⁽²⁾ in the Treaty series the original signed copy of the treaty, and a printed copy thereof is enclosed herewith. Other copies, as well as copies of the Treaty with France will be forwarded as soon as they can be obtained from the United States Government.

After signing the treaty I took the opportunity of enquiring, should the Senate approve its ratification at the present session, the views of the United States Government as to the publication of the treaty which His Majesty's Government would doubtless wish to be simultaneous in both countries. Mr. Knox undertook to telegraph to me on the subject as soon as any decision was reached.

In pursuance of the instructions contained in your telegram No. 184 of the 5th July⁽³⁾ I agreed to a number of minor changes in the draft of the treaty, all of which appeared to me to be harmless, and some of them improvements. The United States Government accepted (as you will have seen from the second draft forwarded by me),⁽⁴⁾ your suggestions for the amendment of Article II. In Article IV they suggested the omission of the words "and all parties interested therein shall be given convenient opportunity to be heard," since these words might imply a right for private parties to be represented. I assented, understand[ing] that we did not

(¹) [Not reproduced. It merely reported that the Arbitration Treaty had been signed. (F.O. 30670/1139/11/45.)]

(²) [Not reproduced. It merely transmitted the original signed copy of the Treaty. (F.O. 32929/32929/11/345.)]

(³) [The reference is to Sir Edward Grey's telegram No. 185, *v. supra*, p. 583, No. 489.]

(⁴) [No trace can be found of a second draft sent by Mr. Bryce after the acceptance by the United States of the amendment to Article II.]

intend to give such a right, but observed that the Government might bring in any persons who ought to be heard as part of its case.

As respects Article I the first sentence of the first paragraph remains somewhat clumsy and verbose. I made repeated efforts to induce the Secretary of State to replace the word "justiciable," which you considered not a happy one, by some expression more familiar to English lawyers, but he had formed so strong a personal attachment to the term that the most I could obtain was a variation of the opening sentence of paragraph 1 which makes it rather clearer and possibly a little wider than it was the second draft.

The other alterations do not seem to need special mention. Two or three of them may have been due to suggestions proceeding from the French Government in the course of the discussion of their Treaty and tended to improve the drafting without affecting the meaning. There were some minor amendments of wording which I should have pressed but for the risk of still further protracting the negotiation of our treaty.

The long delays which occurred in the completion of the matter were in its earlier stages caused by the dilatoriness of the State Department. I repeatedly endeavoured during the latter part of April and the month of May to induce the Secretary of State to go forward with the matter, knowing that he had already received a pretty carefully drawn draft from his subordinate, and I reminded him that it was important to give the Senate plenty of time to consider the treaty, but it became after a time quite evident that he was determined to move at his own pace and no faster. During the last three or four weeks the delay has been generally ascribed to the desire of the United States Government to sign the treaty with France at the same time. I went as far as it seemed proper to do in pressing both the President and the Secretary not to let this otherwise perfectly natural wish retard our signing, but their hearts were plainly set on it; and there is at least this advantage in the simultaneity of the two treaties, that it renders more difficult the task of the extreme Irish faction which has continued to attack our treaty and to represent it as constituting a special alliance between the United States and Great Britain.

On July 13th I received a letter from the Secretary of State (summarised in my telegram No. 120 of July 13th)⁽⁵⁾ which raised two questions which require some notice.

One of these related to the renunciation of certain pecuniary claims which the United States Government had wished His Majesty's Government to declare they would not further press under the Pecuniary Claims Convention. I did not understand him to ask that our action on this should be made a condition of signing the treaty, and proceeded on that view in my reply, saying that of course both sides would in order to carry out the Convention have to consider as soon as convenient what claims were to go into the second or any subsequent schedule. Since then I have heard nothing further from the United States Government on the matter.

The other point was conveyed to you in my telegram above mentioned and was a request that His Majesty's Government should accept the Recommendations of The Hague Tribunal regarding regulations for the North Atlantic Fisheries before the signature of the Arbitration Treaty. Upon this point there followed a long correspondence between the Secretary and myself into the details of which it does not seem necessary to enter at this moment. Expressing my surprise that the point should be brought up at so late a stage and saying that I could not address any request to you regarding it, I ultimately declined to give any official assurance as to our acceptance of the particular point in the Recommendations to which Canada has objected, while stating as from myself that you would endeavour to reach a solution satisfactory to all parties and that you were as anxious as the United States Government to carry out the Hague Award in letter and spirit. We of course do not admit that the Recommendations are a binding part thereof. The Secretary did not recur to the

(5) [*v. supra*, p. 586, No. 495. The telegram was received on July 14, 1911.]

subject when we met at Washington to sign the treaty but he had already written to me on July 31st a letter which did not reach me until my return here from Washington on August 4th. In this letter he again brought up the matter, regarding which there is a good deal of sensitiveness. In reply I have repeated that His Majesty's Government have all along considered that the Arbitration Treaty ought to be kept quite distinct from all questions pending between the two Governments and that I considered that nothing would be gained by anything that could seem like an attempt to use the former as a means of pressure. While meeting their arguments as to the obligation which they allege to exist but which we deny to accept the Recommendations, I have renewed the assurance of the sincere and friendly desire of His Majesty's Government to reach a satisfactory solution. The special reasons why such a solution is eminently desirable are, I believe, already known to you, and they serve to explain the sensitiveness and the persistence manifested by the State Department.

The President, whose attitude throughout has been all that could have been desired, was extremely gratified at the conclusion of the treaty and expressed his congratulations in warm terms. He sent it forthwith the [*sic*] the Senate. Its fate there will probably be known to you before this despatch can reach you. There seems little likelihood that it will be rejected, because the favourable sentiment of the whole nation has been expressed with a unanimity to which I can recall no precedent, the only exception being some very small though very noisy groups of Irish extremists. Whether however the Senate, in which the President has some enemies and in which there are some persons jealously suspicious of anything which may appear to limit the scope of Senatorial functions, may not use the shortness of time before adjournment as a pretext for deferring consideration till the next session opens in December is a matter on which much disquiet prevails among members of the Administration in Washington. It is suggested, but with what truth I cannot yet say, that those preliminary conferences with leading Senators and with the Foreign Relations Committee by means of which Mr. Root used to succeed in securing the acceptance of his treaties have not been so largely employed on this occasion as might be wished. Unless however the Senate is prepared to disregard public sentiment altogether, it can hardly refuse to give its consent sooner or later.

I have, &c.

JAMES BRYCE.

P.S. *August 7.*

I have just received your telegram of yesterday⁽⁶⁾ and beg to thank you and H[is] M[ajesty's] Government most heartily for your and their kind congratulations.

Enclosure in No. 499.

Treaty of Arbitration between the United Kingdom and the United States of America.⁽⁷⁾

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two nations, as established in 1814 by the Treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for; so that now for the first time there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship;

⁽⁶⁾ [Not reproduced. The telegram, which was merely one of congratulation, was despatched on August 6, as No. 222. (F.O. 30670/1139/11/45.)]

⁽⁷⁾ [The text given here has been checked by the original preserved in the Foreign Office in the series of original treaties, United States, No. 135. It is printed in *A. & P.* (1911), CIII (Cd. 5805), pp. 691-5.]

The High Contracting Parties have, therefore, determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective Plenipotentiaries :

The President of the United States of America, the Honourable Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles :

ARTICLE I.

All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other arbitral tribunal as may be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at the Second Peace Conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such Convention, shall govern the arbitration proceedings to be taken under this Treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreement shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE II.

The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission of Inquiry for the purposes of such reference; or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

ARTICLE III.

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.

ARTICLE IV.

The Commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty; and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned, and to provide for the issue of subpoenas and for compelling the attendance of witnesses in the proceedings before the Commission.

On the inquiry both sides must be heard, and each Party is entitled to appoint an Agent, whose duty it shall be to represent his Government before the Commission and to present to the Commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the Commission.

ARTICLE V.

The Commission shall meet whenever called upon to make an examination and report under the terms of this Treaty, and the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and British sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ experts and clerical assistants from time

to time as it may deem advisable. The salaries and personal expenses of the Commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

ARTICLE VI.

This treaty shall supersede the Arbitration Treaty concluded between the High Contracting Parties on April 4, 1908, but all agreements, awards, and proceedings under that Treaty shall continue in force and effect and this Treaty shall not affect in any way the provisions of the Treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE VII.

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by twenty-four months' written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the third day of August, in the year of our Lord one thousand nine hundred and eleven.

JAMES BRYCE. [L.S.]
PHILANDER E. KNOX. [L.S.]

No. 500.

Mr. Bryce to Sir Edward Grey.

Private.⁽¹⁾

My dear Grey,

Sealharbour, Maine,

August 8, 1911.

Thank you very much for your and His Majesty's Government's congratulations on the signing of the Arbitration Treaty. The definite renunciation of war as a means of settling disputes is an event of moment in the annals of the world, and it is a pleasure to all of us in this Embassy to be associated with you and the President in bringing it about. Our part is now done and even if the Senate puts off taking action on it till December they can hardly refuse to pass it ultimately, in the teeth of the strong popular feeling in its favour. . . .⁽²⁾

Sincerely yours,
JAMES BRYCE.

⁽¹⁾ [Grey MSS., Vol. 44.]

⁽²⁾ [The omitted paragraphs of this letter describe details mainly personal in character, which add nothing to the information given in other documents.]

No. 501.

Mr. Bryce to Sir Edward Grey.

F.O. 32376/1139/11/45.

Tel. (No. 138.)

Washington, August 16, 1911.

Your telegram No. 226.*

In view of your intimation that the General Arbitration Treaty may be shortly discussed in Parliament, it is proper to inform you that the acceptance of the treaty by the Senate in its present form is now considered highly improbable at this session.

* asking which U[nited] S[tates] papers contained the correct text of the treaty. [F.O. 31456/1139/11/45.]

R. S.

No. 502.

Sir Edward Grey to Mr. Bryce.

F.O. 32376/1139/11/45.

Tel. (No. 233.)

Foreign Office, August 17, 1911.

D. 10·30 A.M.

Your tel[egram] 138.⁽¹⁾

Arbitration Treaty certainly will not be brought before Parliament here by me before autumn.

(¹) [v. immediately preceding document.]

No. 503.

Mr. Bryce to Sir Edward Grey.

F.O. 34528/1139/11/45.

(No. 217.)

Sealharbour, Maine, D. August 22, 1911.

Sir,

R. September 2, 1911.

The apprehensions expressed in my despatch No. 197 of August 5,⁽¹⁾ regarding the reception of the Arbitration Treaty by the Senate have proved only too well founded. It met with much adverse criticism in the Committee on Foreign Relations and after considerable discussion, conducted in secret, the Majority reported it to the Senate with an important Amendment. The Senate then debated it, also in secret, and asked the Committee for a fuller report of its views. This the majority of the Committee submitted on August 15th, refusing to await the Report of the Minority. I have the honour to transmit herewith 4 copies of this Majority Report.⁽²⁾

The report enclosed which is the result of this direction is understood to have been prepared by Senator Lodge whose action in the matter has caused me some little surprise, for though he had been opposed to the Olney-Pauncefote Treaty, no one seemed to expect he would ever resist this one.

The Report expresses the view of the majority of the Committee. A Minority consisting of Senator Cullom, Chairman of the Committee and Senator Root has just presented a Report, copy of which has not yet reached me, and Senator Burton has also presented a separate Report.

It will be seen from the Report enclosed that the main objection urged by the majority of the Committee, and one which is probably shared by the majority of the Senators is against the last paragraph of Article III which it is proposed to strike out, on the ground that it infringes the constitutional right of the Senate to have a voice in the final settlement of the provisions of Treaties with foreign nations, and in

(¹) [v. *supra*, pp. 588-90, No. 499.]

(²) [Not reproduced. Printed in *Senate Documents*, Vol. 30. (1911), 62nd Congress, 1st Session, Document No. 98, pp. 3-8.]

particular to determine whether or not any given dispute so comes within the provisions of the Treaty as to be arbitrable.

I need not enter into or criticize the arguments on which the Report bases its views, especially as the Minority report will doubtless, when it appears, examine and endeavour to refute these arguments. But it may be observed that the Report assumes that in the latter part of paragraph 2 of Article II of the Treaty it would be possible for the Commission created under that Article to be composed wholly of persons not 'Nationals' of the High Contracting Parties. This was not the intention of those who negotiated the Treaty (although it was their intention that the Senate should not have a voice in the selection of persons) and I doubt whether the words could be so construed. Much of the argument of the Report, however, rests on this assumption. It is of course, one which could be negatived by a slight alteration in the Terms of the Treaty or perhaps better by an explanatory note, should the two Governments think this desirable. It will also be noted that the Report virtually claims for the Senate the power of determining whether any question is or is not arbitrable. This would go some considerable way towards reducing the value of any Arbitration Treaty, because it would be easy to find pretexts for holding particular cases outside terms so vague, perhaps necessarily vague, as those of Article I. Some of the arguments in the Report are virtually arguments against any general arbitration treaty whatever.

It may be added that the Report proceeds on two assumptions, one at least of which is far from self evident, viz: that the High Contracting Parties must be prepared to make Treaties of Arbitration with all other Powers whatsoever, and that such Treaties must follow exactly the provisions of the present Treaties with Great Britain and France.

The references to the "Monroe Doctrine" and to Oriental immigration are obviously introduced in order to appeal to popular feeling on these subjects.

As the proceedings, not only in the Committee on Foreign Relations, but also in the Executive Session of the full Senate, are supposed to be secret, no full or trustworthy report of them is available: one knows only what leaks out through the press. It is understood however that the full Senate refused to postpone deliberating upon the Treaty, although specially requested by the President to do so, that although there have been several debates, no vote has been taken, and that it has now been practically settled that further action will stand over till the next session in December. One newspaper which is usually accepted as a mouthpiece of the Administration states that the Secretary of State promised the Committee on Foreign Relations that the President would always consult the Senate regarding the appointment of the United States members of the Commission contemplated in Article II.

It is stated in the press of yesterday that Mr. Cullom, Chairman of the Committee, and Mr. Root, propose in their Report, which is said to defend the Treaties against the charge of infringing the privileges of the Senate, "that the Senate make a declaration saving the 'Monroe Doctrine' and certain other questions from the operation of the Treaties," while Senator Burton's report defends the Treaties absolutely.

It may be assumed that Senators Cullom and Root desire by the means of the proposed declaration to save the Treaties by allaying opposition to them while avoiding the need for altering their text. I reserve comment upon this suggestion until I have seen the Report which contains it.

How far the action of the Senate is due to its jealousy of the Executive and its anxiety to conserve every jot and tittle of its power, how far to the resentment which many of its members feel towards the President for having compelled them to accept his Canadian Reciprocity Agreement and for having otherwise balked some of their wishes and schemes, it would be hard for any one, even if himself a member of the Senate, to determine. Both sentiments have been operative; and with them there may have gone, in the case of some few Senators, a willingness to comply with the pressure which the extreme Irish faction has been trying to employ. Should this cause, however, have told at all, it has been kept carefully in the background.

Neither is there any evidence that either the strictures of ex-President Roosevelt (reported in a previous despatch)⁽³⁾ or any private influence used by him, such as some have suspected, has counted at all in the matter. The wish of the Senate to assert itself and the dislike which many in it feel for the President, coupled with their anxiety to prevent him from gaining further credit and prestige, afford a sufficient explanation. Few bodies are less moved by genuine public spirit, few have less width of view and less susceptibility to high ideas or sense of duty to mankind than has the Senate of the United States.

It has been suggested that things would have gone better had the Secretary of State or even the President himself taken pains to explain and recommend the Treaty beforehand (especially at dinner parties) to the Senators, following the method so skilfully practised by Mr. Root. Certainly Mr. Knox, though he was himself a Senator for some years, seems to have no great authority with his former colleagues, and he probably failed to realize the dangers ahead and to exert himself timeously to avert them. He certainly appeared to me all along to be taking things too easily and not to feel the need for using the first wave of popular feeling in favour of arbitration in last spring when it was most evident. The President told me in July that he feared that Mr. Bacon of Georgia, the leading Democratic Senator in the Committee on Foreign Relations, might give trouble, being extremely sensitive as to the Senate's powers, but he expressed no uneasiness regarding any others, and did not seem to have personally conferred with them, thinking perhaps that this was a function best left to the Secretary of State.

The attitude taken up by the Senate towards the Treaty has excited general disapproval in the press and also (so far as I can gather) among thinking men of both parties. The President, who is heart and soul in favour of his project, and has shown great firmness and tenacity in all his recent action, has already twice addressed large public audiences in its favour: and is expected to keep up the fight on its behalf during the next three months. He is, I gather, personally hopeful that by appealing to the people he may succeed in eliciting a body of public sentiment strong enough to compel the Senate to yield. Whether or no he will think it desirable, in order to make it easier for them to yield, to consent to any small modifications in its language or to give any assurances as to his own action such as Mr. Knox is alleged to have promised, he can hardly yet have determined, for Congress has kept him unusually busy during the last few weeks. Should he contemplate any such course he would doubtless at once communicate with His Majesty's Government and the French Government on the subject.

Great as is the disappointment felt by the friends of peace here and indeed by all the best elements in American Society, at the course things have taken in the Senate, the matter is far from being adversely settled. Three months of popular discussion may tell even on a body so irresponsive and even (in a certain sense) irresponsible to the people as the Senate has often shewn itself to be. To the people the matter must be left. The President has said "*Appello Cæsarem*," and it is for Cæsar to answer.

I have, &c.
JAMES BRYCE.

P.S. *August 23, 1911.*

Fuller accounts in the newspapers of August 22 confirm the impression above stated that Mr. Root's suggested declaration⁽³⁾ is intended to enable the treaties to be accepted by the Senate unaltered while reassuring it as to the exclusion from the Treaties of any question which "depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions or other

⁽³⁾ [Not reproduced. The reference is probably to Mr. Bryce's despatch No. 141 of May 19, which enclosed a copy of an article by Mr. Roosevelt published in the *Outlook* of May 20, under the title "The Arbitration Treaty with Great Britain." (F.O. 20732/1139/11/45.)]

⁽⁴⁾ [*v. Senate Documents*, Vol. 30, (1911), 62nd Congress, 1st Session, Document No. 98, pp. 9-27.]

purely governmental policy." He seems to have refuted effectively the views of the Majority Report. Senator Burton's Report, which is supplementary to his signature of the Minority Report argues for the Treaties unconditionally. Senator Bacon has also presented a Report which goes far further in condemnation and proposes amendments to Mr. Root's declaration which would virtually cut the heart out of the Treaty. It is not likely that he will find many, if any, of his colleagues bold enough to follow him. Copies of these Reports will be sent to you forthwith.

Congress adjourned yesterday, the Senate having taken no action on the Treaties; but having agreed that as the Committee Reports were not to be treated as secret, Senators should be free to discuss the Treaties in public.

J. B.

No. 504.

Sir Edward Grey to Mr. Bryce.

Private.⁽¹⁾

Falldon, Christon Bank,

My dear Bryce:—

Northumberland, September 19, 1911.

I am not happy about the effect of Root's declaration on the Arbitration Treaty. It seems at one stroke to reduce the Arbitration Treaty to the old limits excluding everything that affected honour or vital interests. Root's declaration is so wide that it might be made to cover anything. It might also be used to prevent a reference of any question to the Joint High Commission at all.

Really I think the majority amendment of the Senate is preferable to this and makes less of a hole in the Treaty.

Taft has a difficult struggle with the Senate and must fight it in his own way. If he appeals directly to us for an opinion on the respective merits of various amendments, I suppose we must say whether we regard them as fatal to the Treaty or not. But at present I am not at all prepared to say that the Treaty would be worth accepting with Root's Declaration attached to it.

On the other hand, I should regard the Joint High Commission as an Institution of considerable value even without the third paragraph of Article III, if there were no other limitation of its powers. The elimination of this paragraph is a limitation, but it is definite: Root's declaration is a limitation that seems to be unlimited. I should like to know what you think of this view.

Yours sincerely,
E. GREY.

⁽¹⁾ [Grey MSS., Vol. 44.]

No. 505.

Mr. Bryce to Sir Edward Grey.

F.O. 47011/1139/11/45.

(No. 264.) Confidential.

Washington, D. November 14, 1911.

Sir,

R. November 25, 1911.

I have the honour to inform you that yesterday I called upon the President and had some conversation with him regarding the prospects of the General Arbitration Treaties.

He has been speaking about them in every one of the States he has visited in the West and South, and thinks that his advocacy of them has told upon public opinion and has brought over several Senators. He is, if not confident, yet certainly hopeful that they will be approved by the Senate when it proceeds to take them up, which will probably be early in January. Meantime a campaign of education on the subject is being organized by an influential Committee, which is arranging for a series of meetings to be held in the principal cities, at which speeches arguing in

favour of the Treaties are to be delivered by eminent persons. He told me that the churches throughout the South, where religious sentiment is on the whole stronger than in the East and decidedly stronger than in the West, are preparing to exert their influence in the cause of peace, so as to push their Senators into line.

He hopes that the Treaties may be adopted in their present form without amendment, and has not so far indicated any disposition to accept any compromise or qualifying resolution such as that suggested by Senator Root, but he personally would not refuse any compromise which did not seem to affect the main purpose of the Treaty.

He and the Secretary of State are, he informed me, already beginning to reckon up the Senators on whose support they can count; and it is intended to carry on a campaign of persuasion among Members of the Senate as soon as it meets in December, persuasion into which there might enter a slight element of intimidation directed to convincing recalcitrants that they may incur the disapproval of public opinion in their respective States. Though it is too soon to speak with assurance about the action of a body so apt to be influenced by petty motives, the flowing tide seems to be with the President.

I have, &c.

JAMES BRYCE.

No. 506.

Mr. Bryce to Sir Edward Grey.

F.O. 48683/1139/11/45.

(No. 265.) Confidential.

Sir,

Washington, D. November 21, 1911.

R. December 5, 1911.

I have the honour to inform you that the German Ambassador has told me that his Government continue to desire to enter into a General Arbitration Treaty with the United States; and that they are expecting an answer from the latter, an answer long delayed owing to the dilatory habits of the State Department, to some suggestion regarding the wording of such a Treaty which they have made. They are naturally not pressing the matter as the fate of the Treaties with Great Britain and France is still hanging in the balance.

I gathered from him that they did not like the word "justiciable" as they thought it vague and capable of being so twisted and perverted by the Senate as to enable them to find grounds for refusing acceptance of any Treaty they disliked. It did not appear, however, that the German Government were going to refuse the expression, because they realise the difficulty of finding another which would not be exposed to equal criticism, especially considering the present attitude of the Senate.

I have, &c.

JAMES BRYCE.

No. 507.

Mr. Bryce to Sir Edward Grey.

F.O. 49518/1139/11/45.

(No. 273.)

Sir,

Washington, D. November 29, 1911.

R. December 11, 1911.

I have the honour to inform you that in a conversation which I had to-day with the Secretary of State he spoke very hopefully regarding the prospects of the General Arbitration Treaties. The President's tour had done good. Public opinion was telling upon the Senate. It had already been ascertained that a considerable number of Senators whose opinions had not previously been declared were prepared to accept

the Treaties. Pressure from their constituents might be expected to tell upon the remainder.

When I expressed the hope that in speaking of acceptance he meant acceptance of the instruments as they stood he replied this was his meaning and hope, though perhaps to enable the Senate to execute a graceful retreat it might be proper to make some apparent concession, such as the adoption of the Root resolution. I observed that this would be regrettable. It would weaken the moral effect of the Treaties to add to them that resolution, and we deprecated such a course. He said that personally he agreed with me. The moral effect would suffer. He had not so far expressed to anyone, save myself just now, any idea of acceding to the Root resolution, and he would do his best to avoid that course. As this was his view, and he was pressed for time, I did not enter further into the arguments against the resolution, satisfied with having conveyed to him your objection to it. I had on a previous occasion stated to the President the grounds of that objection.

Though the Treaties cannot yet be deemed to be altogether out of danger, the situation does seem to be improving, and Mr. Knox's optimism is not without some solid foundation. The almost entire unanimity with which the press had approved them and treated the objections raised in the Senate as being due to a narrow minded and pedantic insistence on their own rights, coupled with a deficient sympathy with good causes, is quite remarkable, even though this may be partly due to the unpopularity of that body with the people at large.

I have, &c.

JAMES BRYCE.

No. 508.

Mr. Bryce to Sir Edward Grey.

F.O. 50036/1139/11/45.

(No. 277.)

Sir,

Washington, D. December 4, 1911.

R. December 14, 1911.

As it has been announced that the President is to send a message to Congress regarding the General Arbitration Treaties, as well as to speak at a public meeting to be held here in their support, it seemed proper that I should see him on the subject before leaving for Canada, which I am doing to-day. In the course of our conversation I again conveyed to him the view you entertain that the adoption of any compromise such as the declaration suggested in the Minority Report of the Senate Committee (the so-called Root Declaration), would seriously impair the value of the Treaties by reducing the width and compass of Article 1, the best feature in them, and the one which carries out the proposal enunciated by Mr. Taft a year ago and accepted by you. I observed that although we would greatly prefer that there should be neither any alteration in the text nor any declaration accompanying acceptance by the Senate, the view of His Majesty's Government was that to omit the provision in Article III by which a five to one vote of the Commission of Enquiry should be effective to bind the parties to arbitrate a question so declared arbitrable, would be a less evil than to accept the Root Resolution or any other of the same kind tending to weaken the whole Treaty and lay it open to perversions and evasions. The President replied that he was himself anxious to carry through the Treaty just as it stood, without any amendment or qualifying Resolution, and that he did not contemplate giving any countenance to the Root Resolution. He said that the prospects of the Treaty continued to be favourable. It would not be seriously taken up by the Senate till January. Meanwhile a campaign of persuasion and of pressure was proceeding.

I may observe that two days ago the French Ambassador told me that he had spoken to the President in the same sense as I did a month ago (see my despatch No. 264 of the 14th ultimo)⁽¹⁾ and had impressed on him that the Root resolution

(1) [*v. supra*, pp. 597-8, No. 505.]

would make the Treaty not worth having. M. Jusserand has always rated the value of the Treaty lower than I do. His view of it, as a feeble instrument at best, seems to me to overlook its moral effect as a rallying point for sound public sentiment and an hindrance to sudden action under one of those bellicose impulses to which nations are subject. However, the opinion he has expressed to the President against modifying the Treaties is opportune in respect of its agreement with the attitude of His Majesty's Government.

I have, &c.
JAMES BRYCE.

No. 509.

Sir Edward Grey to Mr. Bryce.

F.O. 50036/1139/11/45.
Tel. (No. 285.)

Foreign Office, December 19, 1911.
D. 3 P.M.

Your despatch No. 277.⁽¹⁾ I am still strongly of opinion that the Root amendment would make the treaty valueless as an arbitration treaty. The provisions for a Joint High Commission to report and recommend would then be the only valuable part left; I think they are by themselves very valuable, but if the whole Treaty cannot be carried except with the Root amendment it will be a question whether everything about arbitration should not be eliminated and the provisions about Joint High Commission be made a Treaty of themselves. This is only for your information and to be used at your discretion if necessity arises.

⁽¹⁾ [v. immediately preceding document.]

[*ED. NOTE.*—Upon the receipt of the above telegram Mr. Bryce wrote the following private letter to Sir Edward Grey (F.O. 50036/1139/11/45):—

“ My dear Grey, *British Embassy, Washington, December 19, 1911.*

Your telegram of to-day has reached me just in time to write by this mail.

I have pressed not only the President and Knox but every person whom I properly could and who might have influence in the matter to stand for the treaties as they are and without the Root resolution. The President and Knox agree and say they will stand firm.

The Resolution does not seem to me to destroy the value of the Treaties so completely as it does to you: and I am sure Root did not so intend it. All that he meant was to cover the cases that had been put by the Senatorial opponents of the Monroe Doctrine and of matters which, being domestic, are not properly arbitrable. But I entirely agree that it would seriously reduce the moral effect of the Treaties and ought therefore to be resisted; and should I see any sign of the President's weakening in his attitude, I will convey to him the warnings in your telegram. If the case arises of acceptance of [the] Treaty by the Senate being conditioned on passing of Root resolution, I shall cable to you.

At present the prospects are good for acceptance by the Senate of the Treaties just as they stand.

Yours sincerely,
JAMES BRYCE.”]

No. 510.

Memorandum by Sir C. Spring Rice.

Arbitration Treaty between the United States and Great Britain.

Private.⁽¹⁾

When the question of an arbitration treaty first came up in the United States, Taft wished to have the treaty with England alone, although the French Ambassador expressed his country's desire to be admitted to a similar treaty.

The Irish organizations approached the German organizations with a view to stopping the treaty negotiations, on the ground that the proposed treaty of arbitration

⁽¹⁾ [Grey MSS., Vol. 44.]

was really a treaty of alliance between England and the United States. Taft, hearing of the intention of the two organizations to combine against the British treaty, announced that a treaty would be made with France and then with other countries, including Germany. The President of the German organization was a pronounced pacifist, and pledged to help the cause of arbitration. He withdrew from the alliance with the Irish league on the ground that he could not consistently with his known principles attack a general system of arbitration. He was furiously attacked by the Irish press in consequence, but defended this point of view with success.

Taft had thus abandoned his original point of view, i.e. : a general arbitration treaty with England (with whom practically no question of importance remained to be decided), and had adopted a new point of view, i.e. : a general arbitration treaty with a number of Powers.

The people whose views are shared by Roosevelt then said (or rather thought) that this change was a vital one, because with many Powers questions might arise which the United States could not possibly submit to arbitration without sacrificing vital interests. For instance, Germany might annex districts in South America where she has overwhelming commercial and racial preponderance. In that case, the United States might have to fight, not because they were in the right, but because their interests were menaced. Also Japan might insist on the question of the right to immigrate being submitted to arbitration.

Consequently *this* section of public opinion, which advocated the agreement with England, was opposed to a general agreement.

Notes.

A.—Another and important change occurred through the unexpected attitude of Canada, which proved that the Canadian spirit of independence would have to be reckoned with more seriously than was supposed.

B.—An alliance between Irish and German votes would be a most serious factor in a presidential election, and no presidential candidate can afford to ignore it.

C.—The authority for the above is the correspondence between the Irish and German American organizations, published in the "Hamburger Nachrichten," and private information.

December, 1911.

No. 511.

Mr. Bryce to Sir Edward Grey.

Private.⁽¹⁾

My dear Grey,

British Embassy, Washington, January 9, 1912.

The position as regards the Arbitration Treaties is still uncertain. A dropping fire of debate has begun in the Senate, and the private canvas which Taft is having made to ascertain the intentions of Senators is not yet concluded, nor are his private talks with them. I have asked him if he can prevent a final vote being taken suddenly, because I may want time to consult you and tell him your views before such a vote, and he says he can so arrange. He intimated when I again told him of your objection to the Root resolution that if it were adopted, he himself would have to consider what his course should be. He does not however take so unfavourable a view of it as you do; and Root himself seems rather surprised that we saw serious objections to it.

Am I right in thinking that your objection to it is this, that both the term "traditional attitude of the United States concerning American Questions" and the term "other purely Governmental Policy" are so large and vague that, although proposed and intended only to explain Article I they might readily be so stretched

(1) [Grey MSS., Vol. 44.]

in any given case as to go much further, and be made a means of avoiding arbitration in cases which are within the natural meaning of Article I?

To interpret the words "purely Governmental Policy" is more difficult than to interpret Article I. Would your objection apply equally to such a phrase as "questions of a purely political nature or relating to domestic administration"? Of course it would be much better to have no resolution at all, and for that I shall fight, but in case some modified one, less vague than the Root Resolution, is put forward, I should be glad to be apprised in advance of the sort of form of words which you think might possibly be accepted, rather than lose the Treaty. That would be so great a set-back for the whole movement that just as the majority of the Senate here wish to avoid it, it seems desirable for us to avoid it if we properly can.

I hope you are having a good holiday after such an awful session. What a lot has been undertaken for the coming one!

Yours sincerely,
JAMES BRYCE.

No. 512.

Mr. Bryce to Sir Edward Grey.

F.O. 3660/2287/12/45.

(No. 17.)

Sir,

Washington, D. January 16, 1912.

R. January 26, 1912.

I have the honour to transmit herewith extracts from the public press purporting to reproduce a resolution now before the Senate introduced by Senator Lodge in regard to the Arbitration Treaty.

The general situation in regard to ratification remains much the same. That is to say, ratification is believed to be practically certain provided that some sort of reservation in the form of a resolution be acquiesced in by the Executive; and it is possible that the Treaties may be ratified without any such reservation. What form and scope the reservation will take is as yet quite uncertain and the enclosed resolution is transmitted merely as indicating the sort of compromise on which conflicting views seem likely at this time of writing to crystallise, and for the sake of placing its terms in your hands in case it should be necessary hereafter to telegraph to you regarding it. Though it is quite possible that this resolution may be dropped before the matter comes to a vote it seems worth while to indicate the view I am disposed to take of it, and which I find shared by one of the ablest senators who has been throughout a warm friend of the Treaties. The first part of the resolution does not concern us. The second part is on the face of it directed only to safeguard the rights of the Senate to have a Special Agreement submitted to it, not only in cases where the President submits the Agreement, because he and the other Power agree that the controversy is arbitrable under the Treaty, but also in case where the Commission, having had the question referred to them, decide that the controversy is arbitrable within the meaning of the Treaty. If this is all that the resolution means, it seems unobjectionable, because it merely puts a construction upon the Treaty of which the Treaty is susceptible, namely, that the words in Article III "in accordance with the provisions of the Treaty" refer to and include the provision in Article I that a Special Agreement shall be submitted to the Senate. The Secretary of State has, with the approval of the President, expressed his opinion that this is the meaning and construction of the Treaty; and it seems to me the natural interpretation of the two Articles. This appears to be a matter for the President and Senate only, and not for the other party to the Treaty, which is not concerned with the internal relations to one another of different organs of the United States Government. Accordingly it occurs to me that were such a resolution passed our proper course would be to take no notice: not objecting to it because it would merely purport to interpret the Treaty in a matter

relating to the position of the President *vis à vis* the Senate, and to put a construction on the Treaty which we should not contest, and not accepting it because it is a matter not touching us as the other contracting party, since we have to do only with the United States Government as a whole, not with the relations of its parts.

The reason for desiring that the resolution should not be passed in its present form (apart from the fact that any qualification whatever is to be regretted as tending to reduce in the public eye the hearty concurrence of both parties) is the use of the words "full exercise of its constitutional powers" which may seem to claim for the Senate the right of refusing to arbitrate in a given case, whereas our view, and that of the President, has always been that the parties are bound to arbitrate every case falling within the terms of the Treaty, and that the function of the Senate is only to approve the terms of the Special Agreement, there being left to it no right to use that function so as to evade the obligation to arbitrate. I have therefore pointed out, privately, the desirability of preventing the resolution from being adopted in its present form.

The chief difficulty in the way of the Treaties at present seems to lie in the inclination of Democratic Senators to "play politics" in endeavouring to reduce as far as possible any credit which may accrue to the President from the passage of the Treaties by discrediting them as far as possible in debate before passing them. It is held by some that it is with this purpose that yesterday it was finally decided to debate the Treaties in open session. Others think that public debate will improve their chance by exposing their opponents to popular disapproval.

Final action is not expected for some little time, possibly two or three weeks. some think even more.

I have, &c.

JAMES BRYCE.

Enclosure in No. 512.

Extract from the "New York Tribune" of January 12, 1912.

The Lodge resolution sets forth the following proviso:—

The Senate advises and consents to the ratification of the treaty, with the understanding, to be made a part of such ratification, that any Joint High Commission to [*sic*: of] inquiry to which shall be referred the question as to whether or not a difference is subject to arbitration under Article I of the treaty, as provided by Article III thereof, the American members of such commission shall be appointed by the President, subject to the advice and consent of the Senate, and with the further understanding that the reservation in Article I of the treaty, that the special agreement in each case shall be made by the President by and with the advice and consent of the Senate means the concurrence of the Senate in the full exercise of its constitutional powers in respect to every special agreement, whether submitted to the Senate as the result of the report of a Joint High Commission of inquiry under Article III or otherwise.

No. 513.

Sir Edward Grey to Mr. Bryce.

Private.⁽¹⁾

My dear Bryce:—

Falldon, Christon Bank,

Northumberland, January 18, 1912.

It seems to me that Root's words are so wide that they are almost tantamount to saying that nothing is to be arbitrated under the Treaty if it is not to the interest of the United States to arbitrate it.

⁽¹⁾ [Grey MSS., Vol. 44.]

The words give such a latitude to the United States Government that they might be used with a scope as wide as that.

The words you suggest "of a purely political nature and relating to domestic administration" are also very wide. Everything is more or less of a political nature "questions of purely domestic administration" would be less harmfully limiting. All I can say is

1. Let us have the treaty as it stands if possible; if not
2. Better leave out the power of the Joint Commission to compel arbitration than have any vague limiting resolutions.
3. If there is any resolution let it be as narrow and not as wide as possible and don't let it limit in any way the powers of the two Governments or their obligation under the Treaty to refer everything to the Joint Commission and don't let it impair the power or diminish the duty of the Commission to *recommend* a settlement of anything referred to it.

I am answering your letter⁽²⁾ without the Treaty or any document here to refer to, but I hope I am accurate in my recollection of its terms.

Yours sincerely,
E. GREY.

(²) [*v. supra*, pp. 601-2, No. 511.]

[*ED. NOTE.*—Despite the expression in the President's Message to Congress of December 7, 1911, of his earnest hope that they would receive prompt and favourable action, the Arbitration Treaties were ratified by the Senate on March 7, 1912, with reservations which destroyed their importance.]

No. 514.

Mr. Bryce to Sir Edward Grey.

F.O. 17439/2287/12/45.

Washington, D. April 24, 1912.

Tel. (No. 54.) R.

R. April 25, 1912, 11 A.M.

Arbitration treaties.

I enquired of President yesterday what course he had determined regarding Treaties. He said that there was no use in approaching the Senate now, (?) but retained the intention of submitting them, perhaps in a different form, in December after election.

Although I still think that there would have been a chance of getting Treaty adopted without resolution immediately after the vote of March 7th, it would be useless to send the Treaties back to the Senate now, and any chance they had will be better in December. Much will depend on what happens in Convention and on the result of the election.

[*ED. NOTE.*—Mr. Taft was defeated at the Presidential Election and the proposal of a General Arbitration Treaty was not renewed.]

II.—THE BRYAN PEACE COMMISSION PROPOSALS.⁽¹⁾

No. 515.

Mr. Bryce to Sir Edward Grey.

F.O. 20527/18971/13/45.

(No. 108.)

Sir,

Washington, D. April 24, 1913.

R. May 5, 1913.

I have the honour to report that to-day at noon chiefs of Missions of all the Powers represented in Washington to the number of about thirty-five received a sudden call from the Secretary of State to hear him propound his plan for the establishment of a Commission for the better securing of peace between nations. He explained in the course of a pretty long speech that this was no addition to the existing arbitration schemes, but was designed to provide for cases which were not covered by arbitration treaties and which yet might become a source of great danger to peace. Such cases for instance as those that were excepted as touching matters of "national honour" and "vital interests." He then read a short statement, a copy of which I enclose, and added that in his view two things were wanted. The one was to prevent hostilities from being taken suddenly while nations were excited and the other was to provide a means of ascertaining facts, because quarrels often arose out of misapprehensions of facts and when these had been cleared up the danger would be at an end. The plan of the Commission was, he subsequently explained to me, this. There should be as many Commissions as there were countries with whom the United States was in diplomatic relations, that is to say, commissions should be created for each country, which should each consist of five members, a national appointed by the United States and a national by the other country. Two non-nationals, one appointed by the United States and the other by the particular country in question, and a fifth member chosen by the government of the United States and the other government conjointly. When I asked him whether he thought that a variation of that plan, in case the two governments found some difficulty in agreeing on the fifth member, might need to be considered and what was his view of the suggestion that once had been made, that where the two governments could not agree on the fifth they should leave the other four members to make a choice, he said that that was an alternative which might favourably be considered, and have advantages over his own proposal.

These Commissions should, he thought, be permanent bodies and not appointed *ad hoc*. I may observe that those who deal with the United States would find it to their advantage to have a body appointed permanently because if it were appointed *ad hoc* so much pressure would be put upon the United States Government to appoint persons who were known to be strong partisans in a particular case that the chance of getting an impartial man would be diminished, whereas if the Administration chose men for a permanent office, carrying little or no emolument, there would be a fair prospect that they would lay themselves out to endeavour to secure persons of high national reputation.

I should therefore be inclined to think that other countries might well prefer to have permanent commissions than commissions appointed *pro hac vice tantum*.

As Mr. Bryan is going off to California to endeavour to deal with the Japanese question there was not much time for much further discussion. I asked him, however, whether he meant this to be an arrangement entirely distinct from the general arbitration treaties, and he said yes, that was his meaning. I asked him then whether he was of opinion that the general arbitration treaties should be renewed and our own in particular and he expressed his entire assent and thought that the sooner that was done the better.

(1) [The texts of all the so-called "Bryan Treaties" with an introduction by James Brown Scott and notes are published under the title *Treaties for the Advancement of Peace between the United States and other Powers negotiated by the Honorable William J. Bryan, Secretary of State for the United States*, Carnegie Endowment for International Peace (New York and London, 1920).]

The idea of stopping preparations for defense or increase of armaments during the period fixed after the appointment of the commission has been dropped as it was obviously open to objections.

The scheme was received with a little mild cynicism on the part of two of my colleagues, but on the whole pretty favourably. Its details did not seem to have been thought out, but there seems to be no reason why it should not be turned into a useful organisation for the elucidation of facts, and possibly even for the definition of the precise issues of law involved in a dispute.

My impression is that the Senate may be induced to accept it in something like its present form.

I have, &c.

JAMES BRYCE.

Enclosure in No. 515.

Statement read by the United States Secretary of State.

The parties hereto agree that all questions of whatever character and nature, in dispute between them, shall, when diplomatic efforts fail, be submitted for investigation and report to an international commission (the composition to be agreed upon); and the contracting parties agree not to declare war or begin hostilities until such investigation is made and report submitted.

The investigation shall be conducted as a matter of course upon the initiative of the commission, without the formality of a request from either party, the report shall be submitted within (time to be agreed upon) from the date of the submission of the dispute, but the parties hereto reserve the right to act independently on the subject matter in dispute after the report is submitted.

MINUTE.

We should reply as proposed that we are favourable in principle and should welcome a proposal in a definite shape, but it should be pointed out to Sir C. Spring Rice that it will be essential that whatever is accepted by us should be equally binding on both sides; it must not be binding on us if it is only binding on the U[nited] S[tates] Gov[ernment] subject to the consent of the Senate.⁽²⁾

E. G.

⁽²⁾ [The proposed reply was first suggested in a minute by Mr. Spicer, which is omitted from considerations of space. It was sent as telegram No. 154, of May 13, 1913 (F.O. 21694/18971/13/45).]

No. 516.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 24128/5631/13/45.

(No. 128.)

Sir,

Washington, D. May 19, 1913.

R. May 27, 1913.

With reference to your telegram No. 159 (? 154) of the 16th inst[ant],⁽¹⁾ I have the honour to report that I have informed the Secretary of State of the United States that His Majesty's Government awaits with interest a detailed proposal in the sense of his suggestion as to arbitral Commissions which he submitted to the representatives of the Powers on the 24th ultimo.⁽²⁾ At the same time I informed him verbally that His Majesty's Government were prepared to renew the existing Arbitration Treaty in compliance with his proposal which provided for the continuance of the existing treaties of arbitration. I had already explained to Mr. Moore, the Assistant Secretary of State, our point of view on the question of matters in dispute arising under the

⁽¹⁾ [Not reproduced. The telegram referred to is Sir Edward Grey's telegram No. 154 of May 13, *v.* minutes to immediately preceding document. Sir Edward Grey's telegram No. 159 refers to the proposal for renewing the Arbitration Treaty of 1908, and has no connection with the General Arbitration Treaty of President Taft, or with the Bryan Peace Commission proposals here alluded to.]

⁽²⁾ [*v. encl.* to immediately preceding document.]

existing treaty, namely that they must be submitted to arbitration under the existing treaty even should the existing treaty lapse. Mr. Moore, who is already aware of this point of view which Mr. Bryce has already explained at length to the United States Government, informed me that should it become necessary the British contention would be communicated to the Foreign Affairs Committee of the Senate. As, however, the question was one of simple renewal of one among six treaties of arbitration which lapsed this year, there appeared to be no necessity for introducing any contentious matter into an arrangement which was purely formal.

I gather to-day that a convention for the renewal of the existing convention will shortly be prepared in the United States State Department for the signature of the representatives of Great Britain and the United States. Similar conventions for the renewal of the existing treaties with several other Powers are also in course of preparation.

I have, &c.

CECIL SPRING RICE.

No. 517.

Sir Edward Grey to Sir C. Spring Rice.

F.O. 24858/5631/13/45.

Foreign Office, May 31, 1913.

Tel. (No. 169.) R.

D. 6.30 P.M.

Your tel[egram] No. 115 (of May 30. Renewal of Arbitration Treaty).⁽¹⁾

You may sign.

⁽¹⁾ [Not reproduced. Sir C. Spring Rice reported that he had told the Counsel of State Department that he was ready to sign the Agreement. (F.O. 24858/5631/13/45.) The Agreement is printed in *B.F.S.P.*, Vol. 106, pp. 820-1.]

No. 518.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 25098/18971/13/45.

Washington, D. May 31, 1913.

Tel. (No. 118.) R.

R. June 1, 1913, 8 A.M.

Peace commissions.

France, Italy, Norway, Sweden, Brazil, Russia, and Peru having given favourable answer (Austria refused), Secretary of State now makes detailed proposals which I am forwarding by post.⁽¹⁾ I have made no comment.

⁽¹⁾ [Not reproduced. *v. infra*, p. 620, No. 529, note ⁽³⁾.]

No. 519.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 25099/5631/13/45.

Washington, D. May 31, 1913.

Tel. (No. 120.) R.

R. June 1, 1913, 8 A.M.

Your telegram No. 169.⁽¹⁾

I have signed.

Preamble has been made to conform to precedent, but articles 1 and 2 are identical with those of French treaty. They have also been signed by Spain and Italy, and accepted by other Powers.

⁽¹⁾ [*v. supra*, p. 607, No. 517.]

No. 520.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 39436/18971/13/45.

(No. 193.)

Dublin, N.H., D. August 19, 1913.

Sir,

R. August 26, 1913.

With reference to your despatch No. 301 of May 21st⁽¹⁾ I have the honour to inform you that Mr. Bryan informed me on the 17th instant that he had received with much satisfaction the news of the adhesion of Salvador and Costa Rica to his proposal for a treaty for the establishment of a peace commission. He had signed the treaty with Salvador, copy of which he promised to send me and all arrangements were made for the signature of a treaty with Costa Rica. He thought it an excellent thing that the United States should make the same treaties with the small States which he proposed to make with the greater ones in order, as he said, to prove that the policy of the United States was one of peace with all the world.

I have, &c.

CECIL SPRING RICE.

(1) [Not reproduced. Forwarding correspondence between the Colonial Office and the Foreign Office concerning the consultation of the self-governing Dominions. (F.O. 22428/18971/13/45.)]

No. 521.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 912/912/14/45.

(No. 262.)

Washington, D. December 27, 1913.

Sir,

R. January 8, 1914.

I have the honour to enclose copy of a Note from the United States Secretary of State with regard to the establishment of International Commissions of Enquiry for the investigation of matters in dispute between the United States and foreign countries. Copies of the Treaty signed with the Netherlands on the 18th instant are also enclosed herein. The Treaty with Salvador was forwarded to you in my despatch No. 200 of September 1st.⁽¹⁾

The Secretary of State points out certain features in the Treaty with the Netherlands which make it distinct from the earlier agreements, the most noticeable being the omission of any clause relating to the military or naval position of the Contracting Parties and he goes on to express the hope that the terms of a Treaty of the same kind may speedily be agreed upon with Great Britain.

I am acknowledging the receipt of Mr. Bryan's Note and informing him that I am forwarding it to you for the consideration of His Majesty's Government.

I understand that a similar note and request was addressed by Mr. Bryan to the other foreign representatives here.

The French Ambassador told Mr. Barclay that he considered the proposal had good points, notably the undertaking not to declare war or begin hostilities during the investigation by the International Commission and before the report was submitted (Article I), for as far as France and Great Britain were concerned both were vulnerable on this side of the Atlantic whilst the United States was not so in Europe and consequently such a treaty would be more to our advantage than to that of the United States. Monsieur Jusserand, however, does not approve of the establishment of a Permanent Tribunal, the members of which though impartial now might, say in ten years time, have acquired such fixed views on the question then at issue that the result of the investigation would be vitiated from the start. His Excellency said that

(1) [Not reproduced. The Treaty with Salvador is printed in *Treaties for the Advancement of Peace* Carnegie Endowment for International Peace (New York and London, 1920), pp. 131-5.]

he would recommend a Treaty on the lines suggested, with suitable amendments, to the favourable consideration of the French Government but that, in view of the treatment accorded in the past to Arbitration Treaties in this country, he would not urge coming to a speedy agreement. He added that such a Treaty though practicable between the United States and European States would be impossible between European States.

I have, &c.

CECIL SPRING RICE.

[*ED. NOTE.*—The French Government have requested that the following note should be printed here :—

“Monsieur Jusserand, to whom this text has been shewn, has made some reservations and said that the letter would have more accurately expressed his view if it had stated that, according to him, such an agreement would not be practicable between every European nation.”]

Enclosure 1 in No. 521.

Mr. Bryan to Sir C. Spring Rice.

Excellency,

Washington, December 18, 1913.

I have the honour to enclose a copy of the treaty just signed with the Government of the Netherlands together with a copy of the Treaty with Salvador. You will, in comparing the two treaties, notice that the most important difference is that the Netherlands Treaty leaves out entirely all reference to military and naval status. In the five other treaties made the section of the Salvador Treaty relating to the military status has been reproduced; but this Government has been at all times ready to omit that section or to change the language of it to suit the contracting nations. Two minor changes are, first: one requiring the contracting parties to furnish all the necessary facts in case of investigation, and, second; one requiring that the fifth member of the commission to be selected by the two contracting nations shall not be a citizen of either nation.

The copies of these two treaties are sent you for transmission to your Government in the hope that we may speedily reach an agreement in regard to the details of the plan and upon the terms of the treaty.

The President in his recent message expressed gratification that thirty-one nations have accepted the principle of the peace plan. These nations comprise more than three-fourths of the population of the world.

I have, &c.

W. J. BRYAN.

Enclosure 2 in No. 521.

Treaty between the United States and the Netherlands.⁽²⁾

The President of the United States of America and Her Majesty the Queen of the Netherlands, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States, the Honorable William Jennings Bryan, Secretary of State; and

Her Majesty the Queen of the Netherlands, Chevalier W. L. F. C. van Rappard, Envoy Extraordinary and Minister Plenipotentiary of the Netherlands to the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

(²) [The Dutch version of the treaty is not reproduced.]

ARTICLE I.

The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II.

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed within six months after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III.

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all means and facilities required for its investigation and report.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the Royal Government of the Netherlands; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in Washington on the eighteenth day of December, in the year of our Lord nineteen hundred and thirteen.

MINUTES.

We cannot, I think, avoid giving a reply to Mr. Bryan this time.

It is true that the attitude of the U[nited] S[tates] Senate regarding our arbitration Treaty and the canal tolls question has been anything but encouraging and seems to stultify the hope that any good can come out of the conclusion of arrangements of the sort with the U[nited] S[tates] but Mr. Bryan's present proposal differs very considerably from an ordinary arbitration Treaty in that it stipulates among other things that the decisions of the Peace Commission shall not be considered binding.

Although this may at first sight make the establishment of a Peace Commission appear futile (as indeed it did appear to me when I wrote my minute on 41449)⁽³⁾ I think it may in fact have the opposite effect. In the first place the fact that decisions are not binding deprives the contracting parties of the excuse, often put forward by one or the other, that a certain dispute cannot be submitted because it involves questions of purely national concern or national honour. When it is agreed that the decisions of the Peace Commission need entail no action the refusal of one party to submit a dispute would imply that it is so conscious of the weakness of its case that it wishes to avoid its mere discussion. Secondly, even though the decision of a Peace Commission be not binding the fact of where right lies will have been established before the world and the force of public opinion will not be easy to resist. In any case the atmosphere will have been cleared.

But apart from these considerations although there has been no definite alteration in the situation between H[is] M[ajesty's] G[overnment] and the U[nited] S[tates] Gov[ernment] with respect to the Arbitration Treaty and the Canal tolls question since Mr. Bryan made his proposal for a Peace Commission agreement in Sept[ember] last (see 41449),⁽³⁾ a resolution has now been introduced into Congress for the suspension of two years at least of the clause exempting U[nited] S[tates] Coastwise shipping from Canal tolls and there is every reason to believe that the Administration favour this resolution and will do their best to assist its passage. This being the case it is questionable whether it would be politic to meet Mr. Bryan's proposal with a refusal and thus probably discourage President Wilson's good dispositions.

Under the circ[umstance]s I should be inclined to reply that Sir E[dward] Grey is prepared to discuss Mr. Bryan's proposal.

In this discussion points such as the Constitution of the Commission when Canadian interests are specially affected whether the Commission shall be practically permanent etc: will have to be considered and if thought desirable the discussion can be drawn out for some considerable time.

The amendments in the agreement with the Netherlands are an improvement on the text of the Agreement with Salvador.

R. P.
Jan[uary] 12.

The proposal seems to me too theoretical and visionary. Still we cannot well meet it with a refusal off hand. Before replying we might talk it over with Paris.

A. N.

Reply as Sir R. Paget proposes and circulate to the Cabinet with the following covering note.

"In spite of the fact that the Senate has refused to renew our ordinary arbitration Treaty and has thereby shewn itself unfriendly to arbitration I think it is worth while for a Cabinet Committee to consider the text of this draft Treaty with a view to signing it.

We should not of course ratify the Treaty till it had received the consent of the Senate.

But there is one point in which it is essential that we should first be satisfied. If this Treaty is once ratified there must be no question that the Executive of the United States will have not only the obligation but the power to refer all disputes, contemplated by Article I of the Treaty to the International Commission without obtaining the consent of the Senate in each or in any case.

I am therefore instructing Sir C. Spring Rice to make sure that there is no misapprehension on this point."

Instruct Sir C. Spring Rice accordingly;⁽⁴⁾ the point seems clear enough; but we ought to have it confirmed by the U[nited] S[tates] Gov[ernment].

E. G.
13.1.14.

⁽³⁾ [Not reproduced, as the tencur is indicated above. (F.O. 41449/18971/13/45.)]

⁽⁴⁾ [This was done in Telegram No. 4 of January 15, v. *infra*, p. 612, No. 523. The paper was circulated to the Cabinet on January 31. v. *infra*, p. 613, No. 524, note ⁽²⁾ to Sir Edward Grey's minute.]

No. 522.

Sir C. Spring Rice to Sir Edward Grey.

Washington, D. January 12, 1914.

F.O. 1702/912/14/45.

Tel. (No. 4.) R.

R. January 13, 1914, 11 A.M.

Peace Commissions.

The Secretary of State expressed the hope that you would see your way to begin negotiations. I pointed out the parliamentary difficulties and that until arbitration

treaty was (?) renewed unpleasant observations would be made in Parliament which would be published here as we have no secret session like the Senate. He suggested that you could have the treaty ready for the moment when other difficulties would be removed, of which he was hopeful. Tendency amongst my Colleagues seems to be on the whole not unfavourable to negotiation under conditions of absolute reciprocity on the basis of the Netherlands Treaty.

I see no objection to platonic negotiations if it is clearly understood that the Treaty will not be submitted to Parliament until conditions are favourable.

No. 523.

Sir Edward Grey to Sir C. Spring Rice.

F.O. 1702/912/14/45.

Foreign Office, January 15, 1914.

Tel. (No. 4.)

D. 5.15 P.M.

Your tel[egram] No. 4⁽¹⁾ and desp[atch] No. 262.⁽²⁾ I am personally disposed to begin negotiations, if it is quite clear that once this Treaty had been ratified by the Senate every dispute not susceptible of settlement by other means would be referred to the International Commission without such reference having to be submitted to the Senate. This is an essential point because otherwise H[is] M[ajesty's] Gov[ernment] would be bound in each case arising under the Treaty while the U[nited] S[tates] Gov[ernment] might be unable to fulfil the Treaty obligation because of failure to secure consent of the Senate.

You may tell Secretary of State that if this point is beyond dispute I will at once consult the Cabinet with a view to beginning negotiations on the basis of Netherlands Treaty.

⁽¹⁾ [v. immediately preceding document.]

⁽²⁾ [v. *supra*. pp. 608-9, No. 521.]

No. 524.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 2409/912/14/45.

Washington, D. January 17, 1914.

Tel. (No. 5.) R.

R. January 18, 1914, 8 A.M.

Your telegram No. 4 of Jan[uary] 15.⁽¹⁾ Peace Commissions.

Secretary of State expressed his satisfaction, and said that question of Senate's intervention had been very carefully gone into; that the main object of the treaty was to prevent any impediments to referring the disputes to arbitration, and that he had received observations from many influential senators that in view of last paragraph of article 3 of Netherlands Treaty (reserving right to act independently after report of Commission) there would be no objection on the part of Senate. He pointed to article 1,* and especially essence of first paragraph of article 3,† to show that

* Art[icle] 1. The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a Permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

† Art[icle] 3, para[graph] 1. In case the H[igh] C[ontracting] Parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the Int[ernationa]l Commission for investigation and report. The Int[ernationa]l Commission may, however, spontaneously offer its services to that effect, and in such cases it shall notify both Gov[ernmen]ts and request their co-operation in the investigation.

⁽¹⁾ [v. immediately preceding document.]

intervention of Senate was not contemplated. He said that he would at once communicate with President and let me know result.

Secretary of State said he would communicate at once with French Ambassador. Belgian Government has expressed readiness to follow Great Powers if they adhere. Although I carefully explained question had not been yet submitted to Cabinet, rumours as to British adherence will probably get abroad.

I have not repeated to Canada telegrams on this subject. Shall I do so?

MINUTES.

I may be old-fashioned, but I confess that I do not like a proposal to submit to the decision or even to the examination and deliberation of third Parties questions affecting the vital interests of this country. I know that I cry in the wilderness—but I would like this country to remain free and unfettered as to how to deal with questions affecting her vital interests.

A. N.

I suppose the paper has been circulated to the Cabinet as I directed.⁽²⁾ If so I will bring it up there this week. It should be sent to the C[olonial] O[ffice] for such communication to Canada as they desire to make.⁽³⁾

Of course if the Senate adds a rider such as is suggested in the first minute⁽⁴⁾ and as I fear it may we shall not ratify the Treaty ourselves.

As I was prepared for a universal arbitration Treaty with the U[nited] S[tates] Gov[ernmen]t I cannot shrink from a non-committal examination if it be equally binding on both countries.

E. G.

⁽²⁾ [The paper was circulated to the Cabinet on January 31. (F.O. 2377/912/14/45.)]

⁽³⁾ [The Foreign Office subsequently sent copies of the correspondence to the Colonial Office, leaving them to communicate with the Canadian Government if thought desirable. (F.O. 2409/912/14/45.)]

⁽⁴⁾ [Mr. Spieer's minute is omitted from considerations of space. The rider whose proposal he thought possible was to the effect that "their [the Senate's] consent must be obtained before the reference of any dispute to the Commission."]

No. 525.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 3154/912/14/45.

Washington, D. January 22, 1911.

Tel. (No. 9.) R.

R. January 22, 1914, 11.45 P.M.

My immediately preceding telegram.⁽¹⁾

Secretary of State has communicated to me text of additional article inserted in treaty with Bolivia.⁽²⁾

It is as follows:—

"Each of the high contracting parties shall have the right to remove, at any time before investigation begins, commissioner selected by it and to name his successor, and under the same conditions shall also have the right to withdraw its approval of the fifth commissioner selected jointly; in which case a new commissioner shall be selected jointly as in original selection. The commissioners shall, when actually employed in the investigation of a dispute, receive such compensation as shall be agreed upon by the high contracting parties." (End of R.)

(Confidential.)

(K.) I understand from the Brazilian Ambassador that both Chile and the Argentine Republic are unwilling to conclude any peace treaty at all. His own Government, however, is inclined to prove more amenable.

⁽¹⁾ [Not reproduced. It reported an interview between the French Ambassador and Mr. Bryan, concerning the appointment of members of the peace commission, and suggested that "it would facilitate matters if Great Britain and France were as far as possible to follow an identical course with regard to Secretary of State's proposal." (F.O. 2813/912/14/45.)]

⁽²⁾ [Printed in *Treaties for the Advancement of Peace . . .*, Carnegie Endowment for International Peace, (New York and London, 1920), pp. 1-5.]

Sir C. Spring Rice to Sir Edward Grey.

F.O. 5203/912/14/45.

(No. 14.)

Sir,

Washington, D. January 23, 1914.

R. February 5, 1914.

I have the honour to inform you that on the 12th instant Mr. Bryan said to me that he was anxious to begin negotiations with you, Sir, with the object of arriving at an agreement for the establishment of peace commissions on the lines of the treaty with the Netherlands which I forwarded to you in my despatch No. 262 of 27 December last.⁽¹⁾

I said in reply that you were of course most anxious to do everything in your power to further the cause of peace. Speaking for myself only, I added that unfriendly comments might possibly be made in the British press and parliament should a formal agreement of this nature be concluded under existing circumstances. Should such comments be made and published here the cause of peace would be rather retarded than furthered. Mr. Bryan pointed out that although this might be so, there was no reason why negotiations should not be entered into with a view to conclude an agreement to be ratified when a favourable moment arrived.

I at once telegraphed⁽²⁾ to you, Sir, what Mr. Bryan had said and on receiving your telegraphic reply⁽³⁾ I asked Mr. Bryan to receive me. He gave me an appointment on the 17th instant. In the interview which I had with him, the substance of which I communicated to you by telegraph,⁽⁴⁾ I read to him your telegram in which you said that you were willing to refer the matter to the Cabinet if you were satisfied as to one point, namely, whether or no it would be necessary to consult the Senate on each occasion of a difficulty arising. I pointed out that the object of the proposal, as he had often explained, was to prevent nations taking action under the stress of momentary passion. The object, in fact, was to enforce delay. But if the Senate had to be consulted before the matter in dispute went before the commission this object would be defeated: for then the matter would be decided under the stress of passion. I said that it seemed not improbable that British public opinion would demand that there should be reciprocity, and some similar rule applied in regard to Great Britain, namely that the matter of dispute should not automatically go before the Commission, but only by the consent of some independent British authority.

Mr. Bryan at once and without hesitation replied that the spirit of the Treaty he proposed was to prevent hasty action in international disputes because one hasty action led to another and war would break out under circumstances which maturer judgment would subsequently condemn. He said he could best explain what he meant by telling me the story of a drunkard who was advised by a friend, if he felt himself drinking too much, to call for Sarsaparilla—"But" said the man "when I'm like that I can't say sarsaparilla." He pointed to the clauses of the Treaty with the Netherlands and said that the provision under which the two nations should each be free to take what action they pleased on the decision of the Commission was especially designed to give the Senate an opportunity of expressing its opinion, not known at the moment when passions would run high, but only after mature deliberation. The wording of the provisions respecting the reference of any matter to the Commission and the Commission's spontaneous action were he thought a clear proof that the Senate's intervention should take place after and not before the Commission had taken action. He had already taken the advice of prominent members of the Senate who had agreed with his view of what should be the proper course to follow. He was sure that the President held this view but he would lay my communication before him and take his orders. The next day I received a telephonic message from Mr. Bryan

(1) [*v. supra*, pp. 608-11, No. 521 and *encl.*]

(2) [*v. supra*, pp. 611-2, No. 522.]

(3) [*v. supra*, p. 612, No. 523.]

(4) [*v. supra*, pp. 612-3, No. 524.]

himself to the effect that the President shared his opinion as to the interpretation of the terms of the treaty with the Netherlands, namely, that a matter in dispute between two nations should at once be submitted to the peace commission and that the matter should not be referred to the Senate until the Peace Commission had given its opinion.

Subsequently I received from Mr. Bryan the letter, copy of which I have the honour to enclose, informing me of a provision as to the change of the personnel of the commission which had been inserted in the treaty with Bolivia.

The French Ambassador, who had previously informed me of this new provision said that in his opinion (in which I entirely concur) it would be preferable to renew the personnel of the Commission at stated intervals—say five years—otherwise, he said, the members would be chosen at a moment of stress and under the influence of national passions—the very thing which we wished to avoid.

Mr. Bryan, as you will observe, is anxious to negotiate as soon as possible with France and England.

I have, &c.

CECIL SPRING RICE.

Enclosure in No. 526.

Mr. Bryan to Sir C. Spring Rice.

My dear Mr. Ambassador :

Washington, January 20, 1914.

The peace treaty with Bolivia will include a clause which has been prepared at the suggestion of the Bolivian Minister. As this is an addition to the treaty with the Netherlands I thought I would call your attention to it so that you might decide whether you would like to have it included in the Treaty with Great Britain. It is as follows :

“ Each of the high contracting parties shall have the right to remove, at any time before investigation begins, any commissioner selected by it and to name his successor, and under the same conditions shall also have the right to withdraw its approval of the fifth commissioner selected jointly ; in which case a new commissioner shall be selected jointly as in the original selection. The commissioners shall, when actually employed in the investigation of a dispute, receive such compensation as shall be agreed upon by the high contracting parties.”

The first sentence presents a change which I regard as quite important although I do not insist upon it. It is easy to imagine conditions arising which would make one of the contracting parties desire to change any commissioner selected by it, and in like manner it might be led to desire a change in the fifth commissioner who is selected jointly. If the change is made before the investigation begins no harm can be done. As it would tend to make the report more acceptable I ask your consideration of the language proposed. The second sentence was put in at the suggestion of the Bolivian Minister and there is no objection to it, although I think that the provision would be implied if not actually set forth ; that is, the commissioners would not receive pay except when employed in investigation.

The French Ambassador will at once urge early consideration by his Government, so I hope I may sign the British treaty and the treaty with France at nearly the same time. Yours should come first, however, as the British Minister for Foreign Affairs first announced his acceptance.

I am, my dear Sir Cecil,

Very sincerely yours,

W. J. BRYAN.

The President expressed himself as very pleased with your nation's acceptance.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 5204/912/14/45.
(No. 15.) Confidential.
Sir,

Washington, D. January 23, 1914.

R. February 5, 1914.

With reference to my immediately preceding despatch relative to Peace Commissions,⁽¹⁾ I venture to make the following confidential observations.

I. Written communications on subjects relating to foreign affairs are communicated to the Foreign Affairs Committee. Any observation showing that a foreign government objected to the intervention of the Senate would raise suspicion. The argument which you have used that it would be unfair if the United States Government, through senatorial action, had the power to refuse, while His Majesty's Government would be automatically bound to accept, is free from the above objection. I venture to add that it might be prudent to insist on this argument and to add that should Senatorial intervention be required before reference to the Commissions, His Majesty's Government would also demand a similar provision in self defence. This is done by France. In this case it would be obvious that the proposed treaty was of the very smallest value in the cause of peace.

II. The Treaty with us, if concluded, would attract less notice, and give less excuse for hostile action in the Senate, if identical with the Treaty with France and other countries. You, Sir, took this view in regard to the renewal of the Arbitration Treaty with the result that the Senate, who had resolved on vetoing it, were also obliged to veto the treaties with six other countries. This course would also have the result that it would not appear that His Majesty's Government attached very especial weight to the terms in which it was drawn up, or desired to secure for themselves any special advantage.

III. I think it would be somewhat a blow to those who have fought here for the sanctity of treaties, if His Majesty's Government agreed to ratify a new peace treaty while preceding treaties had been so flagrantly disregarded.

IV. I understand that while Brazil will probably accede to Mr. Bryan's request the Argentine and Chile are very unfriendly to the idea of the Peace Commissions and will probably refuse to allow the subject to be discussed at the next Pan American Congress which is to be held this year in Chile.

V. The German Ambassador, as well as the Austrian and Italian Ambassadors, are all in favour of negotiating with Mr. Bryan on the ground that in his own words, the treaties commit one to next to nothing, while a refusal would be very unwelcome here. But the German Government on the advice of Herr Kriege who in Count Bernsdorff's words "always expects a Treaty to mean something and wants to know what it means" and in conformity with the usual attitude on the subject of arbitration treaties, are not disposed for serious negotiation. The German Embassy has asked arbitration for some ancient claims against the State of Georgia which the United States Government has refused. Should this arrangement for peace commissions be concluded the German Government will certainly demand consideration for these claims.

VI. Mr. Bryan who is believed to control about 60% of the democratic vote has set his heart on improving his record by having his peace ideas, which he has always advocated, embodied in a concrete form. A critic has observed that what he wants is arbitration treaties rather than arbitration. It would perhaps be as well to follow his lead and not raise objections more than is absolutely necessary, leaving to him the task of dealing with the Senate, and adopting an attitude of friendly aloofness. But there is always the danger of allowing the arbitration treaty, which still awaits renewal, to fall into abeyance, in order to make place for Mr. Bryan's own creation. In that case the Panama tolls question, to take a concrete instance, would be referred

(1) [v. immediately preceding document.]

to a commission which would eventually report to the two countries who would be free to abide or not by the commission's report, according to their view of their own interests.

VII. I understand that some of my colleagues have intimated that before recommending their Governments to accept his proposals they would prefer to see what action the Senate would take on existing treaties.

I have, &c.

C. SPRING RICE.

No. 528.

Minutes respecting Peace Commissions Proposals on the Peace Commission Treaties recently concluded by the U[nited] S[tates of] A[merica] with Salvador and the Netherlands with a view to consider what alterations might be desirable should H[is] M[ajesty's] Gov[ernment] decide to conclude a similar Treaty with the U[nited] S[tates].

F.O. 3154/912/14/45.

January 24-8, 1914.

The preamble in both the treaties above referred to is in identical terms, and does not seem to call for any alteration, subject to the consideration of the part which Canada may have to play as distinct from the Government of H[is] B[ritannic] M[ajesty].

ARTICLE I.

2. The treaty with Salvador provides that "all disputes . . . of every nature whatsoever, which diplomacy shall fail to adjust, shall be submitted for investigation and report to an International Commission. . . ."

3. The treaty with the Netherlands provides that "all disputes . . . of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed be referred for investigation and report to a permanent International Commission. . . ."

4. Mr. Bryan stated some time ago (Mr. Bryce No. 108 Ap[ril] 24/13)⁽¹⁾ that these Peace Commissions were not to be considered as an "addition to the existing arbitration schemes, but were designed to provide for cases which were not covered by arbitration treaties. . . ."

5. It would seem preferable for us to adhere more nearly to the Netherlands treaty, so that we should still be able when necessary, as it may be in the case of the Panama tolls question, to invoke the arbitration treaty for disputes clearly within its scope. But I think we might omit from any Treaty we may conclude the words (in the Netherlands treaty) ". . . in their terms or are not applied in fact," which seem superfluous if the contracting parties once agree that any other arbitration treaties do not apply to the particular dispute.

6. As regards the question of the "permanent" (see Netherlands treaty) nature of the Commission, the French Ambassador has pointed out (Sir C. Spring Rice No. 262, Dec[ember] 27)⁽²⁾ the objection that the members, though impartial at the time of their appointment, might in the course of time have acquired such fixed views on the question that might be at issue that the result of the investigation would be vitiated from the start, and has expressed the wish (Sir C. Spring Rice's tel[egram] No. 8)⁽³⁾ that reconsideration of the appointments should take place at five years' interval.

⁽¹⁾ [*v. supra*, pp. 605-6, No. 515.]

⁽²⁾ [*v. supra*, pp. 608-11, No. 521.]

⁽³⁾ [Not reproduced. The telegram is summarised *supra*, p. 613, No. 525, note ⁽¹⁾.]

7. If this idea is followed we should have to decide whether the appointments are merely to be reconsidered or if the Commission is to be compulsorily entirely reconstituted at the end of the period chosen, which might well coincide with the duration of the Treaty (5 years in the case of the Netherlands).

ARTICLE II.

8. With regard to the composition of the Tribunal, in neither treaty is any provision made for the contingency of failure on the part of the two countries to agree upon the 5th member.

9. Mr. Bryce suggested in his No. 108 of Ap[ril] 24⁽⁴⁾ that in such an event the choice should be made by the other 4 members, but this does not seem wholly satisfactory. Would it be possible to suggest that in case of need the President of the Swiss Confederation should be invited to name the 5th member?

10. The position of Canada seems to necessitate some departure from the other treaties as regards the composition of the Tribunal, for it will probably be deemed desirable to provide that, in case of disputes which relate purely to Canada, Canada should appoint the national member at any rate. She would in such cases probably also prefer to appoint the non-national member, as well as, in agreement with the U[nited] S[tates], the 5th member.

11. This would involve the addition of words after the first sentence of article II to make the necessary provision for Canadian representation in purely Canadian disputes with the U[nited] S[tates].

12. In para[graph] two of the same article after the word "treaty" might be added "for a period of years." (We could also decide at this point whether the Commission is to be re-eligible at the close of the period stated, or if it is to be reconstituted.)

13. Articles III and IV do not seem to require any alterations beyond those of a purely verbal nature.

Mr. Hurst.

G. S. S.
24/1.

There are two points which I think might usefully be cleared up before any detailed criticism of the drafting of the agreement is made; one is as to the scope of the agreement, the other is as to Canada.

By article 1 of the draft all disputes are to be referred to the Commissions to which previous arbitration treaties do not apply in law or in fact. In our own case the arbitration treaty of 1908 provides for the reference to arbitration of disputes about legal questions and about the interpretation of treaties, "provided that they do not affect the vital interests, the independence or the honour of the two contracting parties."

The abortive arbitration treaty of 1911 endeavoured to draw a distinction between disputes which lent themselves to decision by the application of a rule of law and those which did not: and disputes arising out of the clash of conflicting policies such as the scope of the Monro[e] doctrine, which clearly do not lend themselves to solution by the application of a rule of law were to go to a Joint High Commission for investigation and report.

I am not clear as to whether the scope of the proposed Peace Commissions is to extend only to questions which are outside the arbitration treaties because they do not lend themselves to that mode of settlement, or whether it is also to extend to disputes which are susceptible of that mode of settlement but are not referred to arbitration because they involve the vital interests the independence or the honour of one or other of the contracting parties.

(4) [*v. supra*, pp. 605-6, No. 515.]

Whichever course is adopted I think the wording should be free from all ambiguity.

The second point is with regard to Canada.

There are suggestions in the minutes on these papers that it will be necessary to make special provisions for the substitution of a Canadian member of the Peace Commission instead of the English member where the dispute to be considered is one affecting Canada.

Under the Boundary Waters Treaty of 1909⁽⁵⁾ an international Joint Commission of 3 commissioners nominated by Great Britain and 3 by the United States of America was set up for dealing with certain questions,* and by article 10 any matters of difference between the High Contracting Parties relating to the relations between Canada and the United States of America may by consent be referred to that Commission.

That Commission is in existence and finds it very difficult to discover questions wherewith to occupy itself. Would it not be possible to use that Commission under this new scheme for investigating and reporting on matters and questions relating to Canada? It might entail some modification of its constitution and perhaps the addition of a neutral element. But if it can be made use of it might render it possible for the Peace Commission, on which the Englishman served, to do the work for the whole Empire. Canada is undoubtedly in a special position because of her 3000 mile boundary line, but if special provisions are made for her in this new Treaty the other self governing Dominions will feel bound to claim similar provisions, and the machinery will tend to become unwieldy in consequence.

It might be worth while to consider this suggestion in consultation with the Colonial Office].

C. J. B. H.
28.1.14.

The words "or are not applied in fact" in Article I seem very dangerous. Surely they would afford a pretext for the reference of the Commission of a question falling properly within the scope of the Arbitration Treaty.

W. L.
A. N.

I will discuss this with the authors of the minutes next week.

E. G.

⁽⁵⁾ [v. B.F.S.P., Vol. 102, pp. 137-44.]

* This article requires that all questions referred to the Commission can only be so referred with the approval of the Senate.

No. 529.

Colonial Office to Foreign Office.

F.O. 3663/912/14/45.

Sir,

Downing Street, January 24, 1914.

I am directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter (No. 2409) of the 20th of January,⁽¹⁾ on the subject of the proposal of the United States Government for the establishment of Peace Commissions.

2. In reply I am to transmit to you, for the information of Secretary Sir Edward Grey, copies of despatches which have been addressed to the Governors-General and Governors of the self-governing Dominions transmitting to them copies of Mr. Bryan's

⁽¹⁾ [Not reproduced. It transmitted copies of the correspondence with Sir C. Spring Rice on the United States proposal for the establishment of Peace Commissions. Mr. Harcourt was to make such communications as he desired on the subject to the Canadian Government. (F.O. 2409/912/14/45.) There are one or two references to these matters in Stephen Gwynn: *Letters and Friendships of Sir C. Spring Rice* (1923), Vol. II, pp. 199-207.]

note of the 18th of December,⁽²⁾ of the memorandum—a copy of which accompanied Sir Cecil Spring Rice's despatch No. 139 of the 31st May last,⁽³⁾ and of the Treaties with the Netherlands and Salvador. Mr. Harcourt proposes to defer any further communication with the self-governing Dominions until the views of the President of the United States on the question raised in Sir Edward Grey's telegram of the 15th January⁽⁴⁾ have been received and have been considered by His Majesty's Government. Should the result of that consideration be in favour of further negotiation with the United States, Mr. Harcourt considers it essential that before a definite decision is communicated to the United States Government he should communicate by telegraph with the self-governing Dominions and ascertain that they concur in the action proposed, inasmuch as it appears to be an essential part of the proposal that the Treaty should bind the whole Empire, and bind it without any such reservation as that contained in the arbitration agreement of 1908 with the United States as regards the concurrence of the self-governing Dominions in matters affecting them.

I am, &c.
HENRY LAMBERT,
for the Under Secretary of State.

⁽²⁾ [*v. supra*, p. 609, No. 521, *encl.* No. 1.]

⁽³⁾ [Not reproduced. The despatch and memoranda enclosed, one by Mr. Bryan and one by Mr. Mitchell Innes, dealt with details of the establishment of the Peace Commissions. (F.O. 27387/18971/13/45.)]

⁽⁴⁾ [*v. supra*, p. 612, No. 523.]

No. 530.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 3979/3979/14/45.

Washington, D. January 27, 1914.

Tel. (No. 13.)

R. January 28, 1914, 11 A.M.

Arbitration and Panama tolls.

I learn from good authority that the President yesterday earnestly pressed the Senate Committee of Foreign Affairs to renew arbitration treaties and impressed on the Committees of both Houses necessity of passing the Adamson Act suspending the Tolls Act.

A Republican Senator told me that, if the President exerts his influence, he can certainly get enough Democratic Senators, with the Republican Senators already pledged to renew the Arbitration Treaties, to form two-thirds majority.

But the opposition of the New York Senator and the Western Senators on the ground of objection to the British and Japanese Treaties is still very strong.

No. 531.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 4428/3979/14/45.

Washington, D. January 30, 1914.

Tel. (No. 16.)

R. January 31, 1914, 11 A.M.

Arbitration Treaty.

Senate Committee of Foreign Affairs has approved renewal of our treaty, only two members voting against. Secretary of State thinks treaties will probably be renewed without further opposition.

No. 532.

Colonial Office to Foreign Office.

F.O. 5641/912/14/45.

Downing Street, D. February 6, 1914.

Sir,

R. February 7, 1914.

I am directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter No. 3304 of the 27th January⁽¹⁾ on the subject of the proposals of the Government of the United States for a Peace Commission Treaty.

2. Mr. Harcourt observes that Sir E. Grey has expressed to the United States Ambassador the view that there is no reason why the terms of the Treaty should not be discussed between His Majesty's Government and the Government of the United States and I am accordingly to enclose a draft of a telegram which, with the concurrence of Sir E. Grey, Mr. Harcourt proposes to address to the Governors-General and the Governors of the self-governing Dominions on the subject.

3. I am to invite attention to the last sentence of the draft telegram and to enquire whether the assurance conveyed by Mr. Bryan to His Majesty's Ambassador and reported in Sir C. Spring Rice's telegram No. 7 of the 19th ultimo⁽²⁾ is regarded by Sir E. Grey as satisfactorily meeting the point raised in the telegram from the Foreign Office No. 4 of the 15th ultimo.⁽³⁾ Having regard to the objection expressed by the Canadian Government to the final draft of the General Arbitration Treaty of 1908 on the ground that it involved a surrender to the Senate, Mr. Harcourt has no doubt that that Government fully share Sir E. Grey's view as to the essential importance of the question of the powers of the Senate under the proposed arrangement.

4. I am also to enquire whether in the event of the Commission deciding to "spontaneously offer its services," it would be open to either of the Contracting Parties or both to decline the offer and thereby make it impossible for the Commission to proceed further on its own initiative.

I am, &c.

HENRY LAMBERT.

Enclosure in No. 532.

Draft of Telegram to Governors-General and Governors of Self-Governing Dominions.

Confidential.

Downing Street, , 1914.

United States Government have made proposals to His Majesty's Government for Treaty on lines of those concluded with Netherlands, Salvador and other Central American Powers. The principle of these Treaties is that all disputes of any kind between Contracting Parties to the settlement of which previous Arbitration Agreements do not apply in their terms or are not applied in fact shall on failure of diplomatic methods of adjustment be referred for investigation and report to permanent International Commission and Contracting Parties agree not to declare war or begin hostilities during such investigation and before report is submitted.

(1) [Not reproduced. It transmitted a despatch from Sir Edward Grey to Sir C. Spring Rice No. 55 of January 21, 1914, in which Sir Edward Grey reported a conversation with the United States' Ambassador on the question of the renewal of the Arbitration Treaty and the proposals for a Peace Commission Treaty. Sir Edward urged that before this Treaty was ratified the House of Commons must be given an opportunity of discussing it; and also that, "before it was discussed in the House of Commons, it would be desirable that the Arbitration Treaty should be renewed." (F.O. 3304/912/14/45.)]

(2) [Not reproduced. (F.O. 2666/912/14/45.) It informed Sir Edward Grey that in the view of President Wilson the Netherlands Treaty could only be interpreted in the sense that each case could be referred to the Peace Commission without the intervention of the Senate.

The same information, in greater detail, is contained in Sir C. Spring Rice's Despatch No. 14 of January 23, 1914. *v. supra*, pp. 614-5, No. 526.]

(3) [*v. supra*, p. 612, No. 523.]

International Commission shall be composed of 5 members, two selected by each Party of whom one must be from third country and 5th by common agreement. International Commission must report within year unless time extended by mutual consent. Contracting Parties reserve right to act independently after report of Commission shall be submitted. Text of Treaties was enclosed in my despatch of 24th January.

His Majesty's Government are prepared to enter into negotiations for such a Treaty, provided that the General Arbitration Treaty with the United States of America which has lapsed through refusal of Senate hitherto to renew it is now renewed, and I shall be glad to learn that your Government concur in step proposed. The Treaty if concluded will, of course, apply to all disputes including those affecting the self-governing Dominions. United States Government has assured His Majesty's Ambassador at Washington that it is intended that each case should be referred to the Commission without intervention of Senate.

HARCOURT.

MINUTES.

I raised the question in a recent minute as to the scope of the Proposed Peace Commission—whether it was to cover questions affecting vital interest. Sir E. Grey said he wished to discuss the point and has not yet expressed an opinion on it.⁽⁴⁾

If the jurisdiction of the Commission is to comprise vital interests questions it is worthy of consideration whether it would not be well to limit the membership of the Commission to nationals and exclude the neutral element altogether. There might be a greater readiness on both sides to let the Commission investigate questions if there was no neutral element.

The concurrence in the C[olonial] O[ffice] telegram might await the expression of the Secretary of State's views on the above questions.

C. J. B. H.
9.2.14.

The limitation of the Commission to nationals would conflict with Sir C. Spring Rice's advice that the Treaty with us would give less excuse for hostile action in the Senate if identical with the Treaty with France and other Countries.

The elimination of the foreign element might perhaps appeal to the American on other grounds, but as far as we are concerned I cannot understand any one preferring a tribunal composed of an equal number of Americans and Englishmen to one with a deciding foreign element. We should be assured beforehand either of a difference of opinion or an unfavourable report.

W. L.
A. N.

The questions raised in the minutes must be dealt with by a Cabinet Committee. For the present concur in the draft suggesting the alterations or additions⁽⁵⁾ proposed that what the Cabinet Committee decides can if need be, be referred to the Dominions later.

E. G.

⁽⁴⁾ [*v. supra*, pp. 618-9, No. 528.]

⁽⁵⁾ [For alterations and additions *v.* immediately succeeding document.]

No. 533.

Foreign Office to Colonial Office.

F.O. 5641/912/14/45.

Sir,

Foreign Office, February 14, 1914.

In reply to your letter 3330/1914 of the 6th inst[ant]⁽¹⁾ relative to the proposals of the Gov[ernment] of the U[nited] S[tates] for a Peace Commission Treaty I am directed by Sec[retary] Sir Edward Grey to inform you that he concurs in the terms of the telegram which Mr. Sec[retary] Harcourt proposes to address to the Governors-

⁽¹⁾ [*v.* immediately preceding document.]

General and Governors of the self-governing Dominions subject to the following alterations and additions.

1. In para[graph] 3, first sentence, instead of "provided that the General Arbitration Treaty" read "provided that prior to ratification the Arbitration Treaty" and instead of "is now renewed" read "is renewed."
2. Para[graph] 3, last sentence, to read:—"U[nited] S[tates] Gov[ernmen]t has assured H[is] M[ajesty's] Ambassador at Washington that it is intended when once the Treaty has been ratified that each case arising under it should be referred to the Commission without intervention of Senate, and H[is] M[ajesty's] G[overnment] would propose not to ratify the Treaty unless this is quite clear."

[I am, &c.
W. LANGLEY.]

No. 534.

Sir Edward Grey to Sir C. Spring Rice.

F.O. 5474/914/14/45.

(No. 115.)

Sir,

Foreign Office, February 23, 1914.

The American Ambassador informed me to-day that, as no doubt I had seen in the newspapers, the American Senate had renewed the Arbitration Treaties.⁽¹⁾ He regarded this as the forerunner of the repeal of the exemption from Panama Canal tolls.

I said that this would be most satisfactory.

The Ambassador said that the exemption clause had been passed originally by people whose minds were set upon the object of being free from railway monopoly. They had never realised at the time that the clause might be held to be a breach of a Treaty. Had this been realised, he was sure that American public opinion would not have allowed the passing of the clause in the first instance.

[I am, &c.]
E. G[REY].

⁽¹⁾ [Ratification was advised by the Senate on February 21. The Agreement with Great Britain, renewing the Treaty for five years, was ratified by Great Britain on March 11 and by the President on March 27. Ratifications were exchanged at Washington on April 10.]

No. 535.

Sir Edward Grey to Sir C. Spring Rice.

F.O. 8475/912/14/45.

(No. 116.)

Sir,

Foreign Office, February 23, 1914.

The American Ambassador asked me to-day whether progress was being made with Mr. Bryan's Peace Commission proposals.

I told him that we were taking the Netherlands Treaty as the draft on which to work. It was essential for me to have it examined by some of my Colleagues, such as the Lord Chancellor, the Attorney-General, and the Secretary of State for the Colonies. There were some points that required special consideration, on account of Canada's position. My Colleagues had been very much occupied with the Irish and other questions that arose at the beginning of the Session of Parliament, but I had now been able to secure that the Lord Chancellor and some of my other Colleagues should meet with me on Wednesday next, the 25th instant, with the object of seeing

whether any alterations were required in the Netherlands draft, and if so what alterations. When this had been done, I hoped to submit in Washington the alterations that would enable us to sign a Treaty. I reminded the Ambassador of the importance of the point that it should be quite clear that, once the Treaty was ratified by the Senate, the consent of the Senate should not be required to enable the Government of the United States to refer particular disputes to the Commission.

The Ambassador said that he understood the opinion of the Attorney-General and the Government in Washington to be that this objection could not arise under the Treaty as drafted. But it was evident, from what he said, that he regarded it as an open question whether there should not be some thing put into the text of the Treaty to make the point quite clear.

I said that this was one of the things that we should examine. It appeared to me, on reading the Treaty, that the natural construction was that the consent of the Senate would not be required to refer individual disputes to the Commission, once the original Treaty had been ratified; but I knew that the Treaty would have to be read in the light of the American Constitution, and the point was therefore one to be considered.

[I am, &c.]
E. G[REY].

[*ED. NOTE.*—On March 7, 1914, the Colonial Office communicated to the Foreign Office the concurrence of the Governments of New Zealand and South Africa with the proposed treaty with the United States, and on March 9 the concurrence of the Government of Newfoundland. The concurrence of the Government of Australia was communicated on April 3; for the attitude of Canada, *v infra*, pp. 629–30, No. 541.]

No. 536.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 12949/912/14/45.
(No. 78.) Confidential.
Sir,

Washington, D. March 10, 1914.
R. March 24, 1914.

I have the honour to enclose copies of a despatch and enclosures which I have received from the Governor-General of Canada⁽¹⁾ on the subject of the proposed Peace Treaty between Great Britain and the United States.

In view of the possibility of a misapprehension arising from the use of the term "General Arbitration Treaty" I have thought it desirable to explain clearly to His Royal Highness what instrument is in question.

Copy of my reply is enclosed herewith.

I have, &c.
CECIL SPRING RICE.

Enclosure in No. 536.

Sir C. Spring Rice to Governor-General H.R.H. the Duke of Connaught.

(No. 47.) Confidential.
Sir,

Washington, March 10, 1914.

I have the honour to acknowledge the receipt of Your Royal Highness' despatch no. 36 of the 4th instant and enclosures on the subject of the proposed Peace Treaty between Great Britain and the United States.

I have taken due note of the views of Your Royal Highness' Advisers as set forth in the Approved Minute of the Privy Council of February 28.

⁽¹⁾ [The despatch and enclosures were also sent to the Colonial Office, and are printed *infra*, pp. 629–30, No. 541.]

I observe that it is stated in that Minute that Mr. Harcourt has intimated the readiness of His Majesty's Government to enter into negotiations for the proposed treaty provided that prior to its ratification the General Arbitration Treaty of 1908 with the United States be renewed. As the term "General Arbitration Treaty" is usually applied to the treaty of August 4, 1911, I think it desirable, in order to avoid any possible misunderstanding, to make it clear that that Treaty is not in question but the Agreement of May 31, 1913 (extending the duration of the Arbitration Convention of April 4, 1908) to the ratification of which the Senate has in fact recently agreed.

I have, &c.
CECIL SPRING RICE.

No. 537.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 12952/912/14/45.

(No. 81.)

Sir,

Washington, D. March 12, 1914.

R. March 24, 1914.

I showed to the Secretary of State your despatch no. 116 of February 23 (8475/14)⁽¹⁾ recording a conversation you had had with the United States Ambassador on the subject of the proposed Treaty for establishing Peace Commissions.

I have the honour to enclose copy of a letter from Mr. Bryan in which he states that there is no doubt in the President's mind or in his own that the arrangement contemplates investigation by the Commission without waiting for action by the Senate but that this can if necessary be made clear in the wording of the Treaty.

As reported in my telegram no. 85 of yesterday⁽²⁾ I expressed to Mr. Bryan my personal opinion that in order to secure a prompt and amicable settlement it would be better to adopt a wording which would put the matter beyond doubt so that no question should subsequently arise as to the procedure to be followed. You will doubtless have observed that should the appointments to the Commission be made *ad hoc*, when the case arises, the Senate would have to confirm them and would thus have the power by postponing confirmation, to prevent reference to the Commission.

I have, &c.

CECIL SPRING RICE.

Enclosure in No. 537.

Mr. Bryan to Sir C. Spring Rice.

My dear Mr. Ambassador,

Washington, March 10, 1914.

It is very gratifying to learn from your communication that there is a prospect of an early agreement as to the peace treaty. You may say to your government that there is no doubt in the President's mind, or in mine, that the plan proposed contemplates the investigation *without waiting* for action on the part of our Senate. The treaty can be so worded as to preclude that possibility if the wording we have already used leaves any doubt about the matter. The value of the Treaty would be greatly impaired if we had to wait for the approval of the Senate before a matter could be submitted for investigation. The value of the plan depends largely upon the fact that the Commission can itself, without waiting for a request from either party, begin the investigation on its own initiative. This is necessary because in time of excitement both sides might hesitate to ask for investigation. Our object is to make

⁽¹⁾ [*v. supra*, pp. 623-4, No. 535.]

⁽²⁾ [Not reproduced, as its tenour is indicated. F.O. 10933/912/14/45.]

impossible the beginning of war during a period of passion or excitement. The time allowed for investigation not only permits of an investigation, but it gives time for the reason to operate and for the peace forces to be called into action.

I am hopeful that France will be ready to act at the same time that Great Britain does. This will greatly assist in the concluding of agreements with other countries in Europe. You will be pleased to know that we hope for an early agreement with Brazil, Argentina and Chile, the three leading countries of South America.

I am, &c.

W. J. BRYAN.

Have just heard that a press despatch quotes the French Premier as saying that they have authorized a treaty.

No. 538.

Minute by Sir J. Simon.

F.O. 11433/912/14/45.

March 13, 1914.

Proposed Anglo-American Treaty.

It seems to me that the terms of the Treaty between the United States and the Netherlands, to which Mr. Bryan refers in his note of December 18th 1913⁽¹⁾ to the British Ambassador at Washington, might, in their application to an Anglo-American arrangement, be modified in two particulars.

First, I have some difficulty in making sure of the meaning of Article I which begins "The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous Arbitration Treaties or Agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission etc." This phraseology defines the disputes which are referable to the new International Commission as disputes "to the settlement of which previous Arbitration Treaties or Agreements do not apply in their terms or are not applied in fact," and I suppose the last six words mean "or, (though they do apply in their terms) are not applied in fact." In other words, the effect of inserting these last six words is to enlarge the category of disputes referable to the new Commission. Even although there is a pre-existing arrangement for Arbitration in case of a dispute about some subject matter, say a Fisheries dispute or a boundaries dispute, if advantage is not taken by the High Contracting Parties of this previous arrangement and the pre-existing provisions for Arbitration are not in fact put into force, the dispute will still be referable to the new International Commission. Thus, in order that the new International Commission should have no jurisdiction, it is not enough that there should be an Arbitration Treaty in existence by which the dispute might be decided; it is further necessary that the previous Arbitration Agreement should be put into force and Arbitration under it set up.

If my analysis of this phrase in Article I is correct it would lead to clearness if, after the word "or," there were inserted the words "(though they do so apply)." Another way to express the exception would be to substitute for the phrase between commas in Article I "other than disputes the settlement of which is provided for and in fact achieved under existing Agreements between the High Contracting Parties."

(1) [*v. supra*, p. 609, No. 521, *encl.*]

Secondly, Article III needs some modification in view of the peculiar constitution of the British Empire. This result might be secured by inserting between the first and second paragraphs of Article III an additional paragraph as follows:—

“In the event of its appearing that the British interests affected by the dispute to be investigated are not mainly those of the United Kingdom, but are mainly those of some one or more of the self-governing Dominions, namely, Canada, Newfoundland, South Africa, Australia, and New Zealand, His Majesty's Government shall be at liberty to substitute as the member chosen by them to serve on the International Commission for such investigation and report another person selected in view of the special circumstances of the case.”

On this suggested additional paragraph I would make the following observations.

1. The substitution of a specially selected Dominion Representative for the ordinary British Representative is necessarily open to the objection that the member of the Commission so substituted is necessarily selected after the dispute has arisen, and to this extent the constitution of a permanently constituted Commission, composed of members selected on *a priori* grounds is encroached upon.
2. Since the International Commission may, by the first paragraph of Article III, spontaneously offer its services, it seems unavoidable that the substitution of a Dominion Representative for the ordinary British Representative should take place after this stage and, indeed, after reference to the International Commission, but before the Commission in fact undertakes the work of investigation and report.
3. Who is to determine whether in a given case it does appear that the British interests affected are not mainly those of the United Kingdom? As I have drafted the new paragraph this is left in doubt, and one can imagine a case in which the United States Government would greatly object to the sudden substitution of a Canadian for the ordinary British Representative, and would therefore be disposed to deny that Canadian interests were more involved than those of the United Kingdom. It would tend to clearness if my paragraph began “In the event of its appearing to *His Majesty's Government* that.”
4. The new paragraph might perhaps be made more palatable by providing for some panel of Dominion Representatives out of which the specially substituted Dominion Representative would be selected. This would avoid the consequence that the substituted Representative might be specially selected with an eye to the particular dispute which has arisen, thereby giving rise to the suspicion that he was chosen because he already entertained a strong view in favour of one side.

JOHN SIMON.

Mar[*ch*] 13, 1914.

MINUTES.

Draft a despatch to Sir C. Spring Rice⁽²⁾ instructing him to communicate these amendments and the reasons for them to the U[nited] S[tates] Gov[ernmen]t saying that if they agree to them we will then consult the Self Governing Dominions and Sir C. Spring Rice should suggest that appointments should be renewable or new ones made every five years and he should also make the comment I made to the U[nited] S[tates] Ambassador at my last conversation about the Senate.⁽³⁾

E. G.

The despatch when ready will have to go to Mr. Harcourt for his concurrence.

E. G.

⁽²⁾ [This despatch was sent as No. 217 of April 8, 1914, *v. infra*, p. 632, No. 544.]

⁽³⁾ [This conversation was reported in Sir Edward Grey's despatch to Sir C. Spring Rice of March 13, 1914, *v. immediately succeeding document.*]

No. 539.

Sir Edward Grey to Sir C. Spring Rice.

F.O. 12028/912/14/45.

(No. 169.) Confidential.

Sir,

Foreign Office, March 13, 1914.

I told the American Ambassador to-day that we should be obliged to suggest one or two amendments in the Peace Commission draft, to provide for cases in which Canada or another of the Self-Governing Dominions was exclusively interested. The Attorney-General was drafting these amendments. As soon as I received them, I would submit them in Washington to the United States Government, and if the latter accepted them we would then consult the Self-Governing Dominions and show the Treaty to them and do our best to secure their consent. We had promised, at the last Imperial Conference, that the Governments of the Self-Governing Dominions would be consulted about Treaties affecting the whole Empire.

I reminded the Ambassador of the point in connection with the Senate. We should raise the point of whether there should not be words introduced into the Treaty to make it quite clear that, once the Treaty was ratified, the United States Government would have the power to refer to the Peace Commission any dispute arising within its scope, without first submitting to the Senate a reference to a compromise about the dispute. It might be desirable to have words in the Treaty to make this quite clear, but it was hardly for us to draft words in a matter affecting the United States Constitution.

Mr. Page said that he entirely understood our point about the Self-Governing Dominions. The original draft of the Treaty was framed for States with a single Government. In the British Empire there were, in effect, several Governments to be considered. He was sure that what I had said to him would give satisfaction in Washington.

[I am, &c.]
E. G[REY].

No. 540.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 12962/912/14/45.

(No. 91.)

Sir,

*Washington, D. March 16, 1914.**R. March 24, 1914.*

In compliance with the instructions contained in your despatch no. 89 (4957/14) of the 10th ultimo,⁽¹⁾ I have the honour to transmit herewith six copies of the Treaty providing for the institution of a permanent International Peace Commission between the United States and Bolivia, signed here on the 13th February.⁽²⁾

I also transmit six copies (see list annexed) of the other similar Treaties signed up to date by the United States.⁽²⁾

In addition to the above the State Department informs me that Treaties have also been concluded with Honduras, Portugal, and Persia, the two latter signed at Lisbon and Tehran respectively.

They are unable to furnish me with copies of these last mentioned three Treaties, but they state that the Treaty with Honduras follows the text, *mutatis mutandis*, of

⁽¹⁾ [Not reproduced. It forwarded to Sir C. Spring Rice a letter of February 2, from the Colonial Office asking if the treaty with Bolivia had been signed and if so "whether the text of the treaty is available." (F.O. 4957/912/14/45.)]

⁽²⁾ [Not reproduced.]

that with Salvador, that the Treaty with Portugal is the same as that with the Netherlands, and that the text of the Treaty with Persia has not yet reached Washington.

Annotations have been made in the various treaties showing differences and additions in the various texts.

The Treaty with Dominica provides for reference to the Permanent Court of Arbitration at the Hague in the first instance. That with Denmark provides for submission to the same Court the findings of the Commission, should the parties, after the lapse of one year after the receipt of the Commission's report, have failed to reach a direct adjustment.

I have, &c.

CECIL SPRING RICE.

No. 541.

Colonial Office to Foreign Office.

F.O. 12321/912/14/45.

Downing Street, D. March 19, 1914.

Sir,

R. March 20, 1914.

With reference to your letter (No. 10933/1914) of the 13th instant,⁽¹⁾ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, a copy of a despatch from the Governor-General of Canada forwarding copy of an approved Minute of the Privy Council for Canada setting forth the views of his Ministers on the proposals of the Government of the United States for a Peace Commission Treaty.

2. Sir E. Grey will observe that the Dominion Government see no objection to negotiations being entered into for the conclusion of the proposed treaty provided it is made clear that the existing agreements for the settlement of disputes between Canada and the United States such as the Boundary Waters Treaty of 1909 and the other Agreements mentioned would not be interfered with.

3. Mr. Harcourt would be glad to be favoured with Sir E. Grey's observations on the minute of the Privy Council for Canada and in particular on the question of the effect of the proposed treaty on the existing agreements.

I am, &c.

HENRY LAMBERT.

Enclosure 1 in No. 541.

Governor-General H.R.H. the Duke of Connaught to Mr. Harcourt.

Sir,

Ottawa, March 4, 1914.

With reference to your Telegram of the 17th February, 1914,⁽²⁾ on the subject of a proposal made to His Majesty's Government by the Government of the United States providing for the reference to a permanent International Commission, to be constituted under a proposed treaty, of all disputes between the High Contracting Parties which diplomatic methods have failed to settle, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada setting forth the views of my responsible advisers.

I am sending a copy of this Despatch to His Majesty's Ambassador at Washington for his information.

I have, &c.

ARTHUR.

(1) [Not reproduced. It transmitted a copy of telegram No. 85, of March 11, 1914, which summarised Sir C. Spring Rice's despatch No. 81 of March 12, *v. supra*, pp. 525-6, No. 537.]

(2) [*v. supra*, pp. 621-2, No. 532, *encl.*, where a draft of this telegram is given.]

Enclosure 2 in No. 541.

Certified copy of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor General on the 28th February, 1914.

The Committee of the Privy Council have had before them a Report, dated 23rd. February, 1914, from the Right Honourable the Secretary of State for External Affairs, stating that he has had under consideration a telegraphic Despatch to Your Royal Highness from the Right Honourable the Principal Secretary of State for the Colonies, dated 17th. February, 1914, conveying information of a proposal made to His Majesty's Government by the Government of the United States for the conclusion of a treaty providing for the reference, for investigation and report to a permanent International Commission to be constituted under such treaty, of all disputes between the High Contracting Parties which diplomatic methods have failed to settle, and for the postponement of any declaration of war or the beginning of hostilities arising out of any particular dispute, until the Commission's report on that particular dispute shall have been received. The right to act independently after the report of the Commission has been submitted, is reserved by the High Contracting Parties. It is intimated by Mr. Harcourt that His Majesty's Government is prepared to enter into negotiations for the proposed treaty, provided that prior to its ratification the General Arbitration Treaty of 1908 with the United States which expired in April, and the renewal of which the United States Senate has so far declined to sanction, be renewed; and as the treaty would apply to disputes affecting the self-governing dominions, he desires to learn whether Your Royal Highness's Government would concur in the proposed step.

The Right Honourable the Secretary of State for External Affairs submits that from the terms of Mr. Harcourt's telegram by which it appears that the procedure provided by the treaty is to be brought into operation only "on failure of diplomatic methods," and from the stipulation contained in the similar treaty already concluded with the Netherlands, referred to in such telegram, making it applicable to disputes "to the settlement of which previous Arbitration Treaties or Agreements did not apply," he infers that there is no intention to supersede or interfere with existing agreements with the United States which provide means for the settlement of disputes between that country and Canada, as examples of which he mentions the Boundary Waters Treaty of 1909, the Agreement respecting the North Atlantic Fisheries of 1912, the arrangements under the Boundary Demarcation Treaty respecting the location of the International Boundary, and that concerning the St. John River.

The Right Honourable the Secretary of State for External Affairs further submits that provided this inference is correct and it is made clear that such existing arrangements would not be interfered with, he can see no objection to the proposed negotiations, and he recommends that Mr. Harcourt be informed that, with this proviso, Your Royal Highness's advisers concur in their initiation.

The Committee of the Privy Council, concurring in the views of the Right Honourable the Secretary of State for External Affairs, recommend that Your Royal Highness may be pleased to inform the Right Honourable the Principal Secretary of State for the Colonies in the sense of this Minute.

All which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

No. 542.

Foreign Office to Colonial Office.

F.O. 11433/912/14/45.

Sir,

Foreign Office, March 26, 1914.

With reference to previous correspondence with regard to the proposals of the U[nited] S[tates] Gov[ernmen]t for the conclusion of a treaty with H[is] M[ajesty's] Gov[ernmen]t to establish an international commission of inquiry for the investigation of matters in dispute between the two countries I am directed by Secretary Sir E. Grey to transmit to you the draft of a despatch which he proposes, with the concurrence of Mr. Secretary Harcourt to address to H[is] M[ajesty's] Ambassador at Washington.⁽¹⁾

Notwithstanding the addition proposed by the Sec[retary] of State for the Colonies to make it clear that the treaty under consideration is not to affect in any way the provisions of the treaty of Jan[uary] 11, 1909 relating to questions arising between the U[nited] S[tates] and Canada, Mr. Harcourt will no doubt agree that it would be undesirable to omit Canada from the paragraph which Sir J. Simon has drafted for insertion between paragraph 1 and 2 of Article 3 of the U[nited] S[tates]-Netherlands treaty.⁽²⁾

It is desired to make it clear in the Peace Commission treaty that a dispute arising within its scope may be referred to the Commission without the intervention of the Senate, whereas the intervention of that body is expressly provided for in Article X of the treaty of Jan[uary] 11, 1909.

I am to take this opportunity of acknowledging receipt of your letter (9649) of the 19th instant.⁽³⁾

[I am, &c.]

RALPH PAGET.]

⁽¹⁾ [*v. infra*, p. 632, No. 544. The Colonial Office concurred in the draft proposed. (F.O. 14943/912/14/45.)]

⁽²⁾ [*v. supra*, pp. 609-10, No. 521, *encl.*, and p. 627, No. 538.]

⁽³⁾ [*v. immediately preceding document.*]

No. 543.

Sir Edward Grey to Sir C. Spring Rice.

F.O. 15495/912/14/45.

(No. 212.)

Sir,

Foreign Office, April 1, 1914.

The American Ambassador asked me to-day about the draft of our amendments to the Peace Commission Treaty. Was he correct in his recollection that I had promised to communicate the amendments to the Government of the United States, and, if the latter approved of them, then to submit them to the Self-Governing Dominions?

I confirmed this.

The Ambassador said that he assumed that it would take three or four months to do this. He was thinking of the possibility of getting the consent of the Self-Governing Dominions in time to bring the Treaty before the Senate during the present Session of Congress.

I said that it would undoubtedly take some time. In the case of Canada, it would of course not take three or four months; but to consult Australia and New Zealand would take some time, unless we could do it by telegraph.

[I am, &c.]

E. G[REY].

Sir Edward Grey to Sir C. Spring Rice.

F.O. 14943/912/14/45.

(No. 217.)

Sir,

Foreign Office, April 8, 1914.

H[is] M[ajesty's] Gov[ernmen]t have had under their careful consideration the treaty recently concluded between the Gov[ernmen]ts of the U[nited] S[tates] and the Netherlands, providing for the establishment of an international commission of inquiry for the investigation of matters in dispute between the two countries, copy of which was forwarded in Y[our] E[xcellency's] despatch No. 262 of Dec[ember] 27 last.⁽¹⁾ In that despatch you also enclosed a copy of a note from the U[nited] S[tates] Secretary of State intimating the hope that a similar treaty might speedily be concluded between H[is] M[ajesty's] Gov[ernmen]t and the U[nited] S[tates].

I now transmit to you a copy of a memorandum by H[is] M[ajesty's] Attorney General⁽²⁾ showing and explaining the modifications which might be introduced into the text to enable a similar treaty to be concluded between H[is] M[ajesty's] and the U[nited] S[tates] Gov[ernmen]t, together with a copy of the treaty between the U[nited] S[tates] and the Netherlands showing the effect of the alterations suggested.⁽³⁾ You will observe also that in this amended copy of the treaty an addition has been proposed by the S[ecretary of] S[tate] for the Colonies to make it clear that the treaty now under consideration is not to be held to affect in any way the provisions of the treaty of Jan[uary] 11 1909 relating to questions arising between the U[nited] S[tates] and the Dominion of Canada. This addition might appropriately be inserted between Articles 3 and 4 as a separate article.

Your Exc[ellency] should communicate to the U[nited] S[tates] Gov[ernmen]t the amendments proposed and the reasons for them intimating that of the two alternative amendments proposed in article 1 the preference of H[is] M[ajesty's] Gov[ernmen]t is for the former.

You should at the same time inform Mr. Bryan that if the U[nited] S[tates] Gov[ernmen]t are disposed to agree to these modifications H[is] M[ajesty's] Gov[ernmen]t will then consult the Self-governing Dominions with regard to them.

You should also suggest that in the opinion of H[is] M[ajesty's] Gov[ernmen]t the appointments of the Commissioners should be renewable or fresh appointments made every five years.

I desire further to call your attention to para[graph] 2 of my despatch No. 169 of the 13th ult[imo]⁽⁴⁾ and I request that you will speak to Mr. Bryan in a similar sense emphasizing the importance of words being introduced which will make it clear in the text that once the treaty is ratified the U[nited] S[tates] Gov[ernmen]t should have the power of referring to the Peace Commission any dispute arising within its scope without the necessity of first submitting to the Senate a reference or compromise about the dispute.

I am, &c.

(For the Secretary of State),

RALPH PAGET.

⁽¹⁾ [v. *supra*, pp. 608-10, No. 521.]

⁽²⁾ [v. *supra*, pp. 626-7, No. 538. Sir J. Simon's Minute.]

⁽³⁾ [Not reproduced.]

⁽⁴⁾ [v. *supra*, p. 628, No. 539.]

Sir C. Spring Rice to Sir Edward Grey.

F.O. 18570/912/14/45.

(No. 130.)

Washington, D. April 20, 1914.

Sir,

R. April 28, 1914.

In accordance with the instructions conveyed to me in your despatch no. 217 (14943/14) of the 8th instant,⁽¹⁾ I called upon the Secretary of State on the 18th instant and informed him what modifications His Majesty's Government thought necessary in the text of the Treaty proposed by them, providing for the establishment of an international commission of enquiry for the investigation of matters in dispute between Great Britain and the United States.

I enclose a Memorandum which contains the modifications which the Secretary of State is prepared to accept.

With regard to the first modification, Mr. Bryan said he would prefer the second suggestion made by Sir John Simon.⁽²⁾ He thought that the words "not applied in fact" might be construed at the present moment in such a way as to imply a doubt as to the willingness of the two Powers to carry out their treaty engagements. The words suggested by Sir John Simon, while equally explicit, were free from that objection. He fully agrees with Sir John Simon's words in the Memorandum, namely, "in order that the new international commission should have no jurisdiction it is not enough that there should be an arbitration treaty in existence by which the disputes might be decided: it is further necessary that the previous arbitration agreement should be put into force and arbitration under it set up."

In Article 2 he suggested that it would be more convenient to insert, with a modification, a provision which was contained in the treaty with Bolivia giving each Government the right to remove at any time, before investigation begins, any commissioner selected by it, so long as the new commissioner to be designated was named simultaneously with the removal of the old one. It was also, he thought, desirable that, in case disputes arose between the country from which the fifth commissioner was designated and either or both of the Contracting Parties, the latter should have the right to withdraw their approval and to select a new commissioner. He thought that on the whole this system of appointment and removal would be found the most convenient.

In Article 3 he quite saw the necessity of having some panel of Dominion representatives out of which a specially substituted Dominion representative might be selected as the British Commissioner, in case the interests affected by the dispute were mainly those of one or more of the self-governing Dominions. He thought, however, it was necessary to expressly provide that only one Commissioner should act in such a case.

He had no objection whatever to the proposed new article four.

I spoke to him in the sense of the last paragraph of your despatch under reply and paragraph 2 of your despatch No. 169 (12028/14) of the 13th ultimo.⁽³⁾ I emphasised the importance of words being introduced which will make it absolutely clear in the text that, once the treaty is ratified, the United States Government should have the power of referring to the Peace Commission any dispute arising within its scope, without the necessity of first submitting to the Senate a reference or compromise about the dispute. I said that the object of the proposed treaties, as I understood it, was to prevent any delay in the submission of any question that arose, of a nature likely to endanger good relations, to an international commission which should report in due time on the merits of the case. This object would evidently be defeated if, before reference to the International Commission, it was necessary for either government to obtain the consent of an elected body. The Secretary of State

(1) [v. immediately preceding document.]

(2) [v. *supra*, pp. 626-7, No. 538.]

(3) [v. *supra*, p. 628, No. 539.]

said that in his mind, and in that of the President, there was no doubt whatever as to the meaning of the treaty. Article 1 provided that disputes, when diplomatic methods of adjustment have failed, should be referred for investigation and report to an International Commission; and Article 3 provided that the High Contracting Parties should reserve the right to act independently on the subject matter of the dispute after the report of the Commission had been submitted. Before any action is taken the United States Government would of course be bound to submit the matter to the Senate, but in order to submit the question to the Commission, there was no need whatever to obtain the Senate's consent. In the first paragraph of Article 3 it was stated that the High Contracting Parties should "at once" refer the matter to the International Commission, and that the International Commission might even by unanimous agreement spontaneously offer its services. There was no question of the United States taking any action: they were merely bound to refer a matter in dispute to an International Commission. He had carefully explained to members of the Senate Committee on Foreign Affairs what was the object and nature of the treaties which he proposed to make, before commencing negotiations with foreign nations. He had gathered from his conversations that the Senate would have no objection to his proposed *modus operandi*; and the foreign nations who had accepted his proposals had accepted them on this understanding, and had regarded the wording proposed as sufficient for the purpose which he had in view, namely—that matters in dispute between the United States and other nations should, in case of necessity, be at once, and without further formality, referred for report to an International Commission, before the United States Government or the other government concerned should declare war or begin hostilities. He pointed out that a special reference to the Senate in a draft treaty with Great Britain, when other nations had not thought such a reference necessary, might create a painful impression, and he would advise against it. I observed that it was evident from recent experience that a treaty of which the interpretation was doubtful was almost worse than no treaty at all from the point of view of international good feeling. He agreed, but said that in his communication to the Senate of the present treaty, when concluded, he would clearly explain what was the *modus operandi* proposed; and he would leave no doubt whatever as to the fact that it was the meaning of the treaty that the reference to the Senate for its approval in conformity with the Constitution would be made after an International Commission had made its investigation and report. I have subsequently consulted the French Ambassador on this point, and he said he was of the same opinion as Mr. Bryan; and he added that he would ask for a formal communication from the United States Government which would leave no doubt as to the interpretation of the treaty. But, added M. Jusserand, it was asking too much of the United States Senate to expect it to give its approval to a wording of the treaty which expressly provided against the Senate exercising its power, although they might be perfectly willing to accept a wording which would have a precisely similar effect. The main point is evidently that the matter should not be left doubtful, and that a positive assurance which admits of no doubt should be received by the Governments concerned.

I have, &c.

CECIL SPRING RICE.

P.S. I have informed the Governor General of the Dominion of Canada of the above.

C. S. R.

Enclosure in No. 545.

Amendments suggested by the Secretary of State and His Majesty's Government in the Draft Treaty between the United States and Great Britain for Peace Commissions.

Taking as a basis the Treaty between the United States and the Netherlands signed in Washington on the 18th day of December 1913.

In article 1 in line 3 after " whatsoever " insert " other than disputes the settlement of which is provided for and in fact achieved under existing agreements between the High Contracting Parties." Omit in line 3 from " to the settlement " to " in fact."

In Article 2, line 9 after " either country " insert " Each of the High Contracting Parties shall have the right to remove at any time before investigation begins any commissioner selected by it and to name his successor, the new commissioner to be designated when the old one is removed, and under the same conditions shall also have the right to withdraw its approval of the fifth commissioner selected jointly : in which case a new commissioner shall be selected jointly as in the original selection."

In Article 3, line 6 insert before " offer its services " the words " by unanimous agreement."

In the insertion suggested by Sir John Simon, line 12, after " selected " read " from a list of persons to be named one for each of the self-governing Dominions : but one only shall act, namely that one who represents the Dominion immediately interested."

MINUTES.

The two points of importance are :

1. As to whether H[is] M[ajesty's] G[overnment] will agree to the introduction, as proposed by Mr. Bryan in Art[icle] 2 of a provision giving the H[igh] C[ontracting] Parties the right to remove at any time before investigation begins any Commissioner and to appoint a new one in his stead, also, to have the right to cause the 5th Commissioner, jointly selected, to be changed, and

2. In what manner H[is] M[ajesty's] G[overnment] can obtain some security against the intervention of the Senate.

Mr. Spicer points out the disadvantage of the removability of the Commissioners and with his views I entirely agree. We should stand out for 5 year appointments. This would be a convenient term as the Treaty itself is to continue in force for a period of 5 years.

As regards the intervention of the Senate we should if possible get Mr. Bryan to state in an official note the view taken by the President and himself.

R. P.

Ap[ri]l 30.

Circulate with the Minutes to the Cabinet Committee consisting (I think) of the Lord Chancellor, Lord Crewe, Mr. Harcourt and Sir John Simon.

E. G.

Sir E. Grey.

Herewith Minutes (210538 and 21754)⁽⁴⁾ by the Lord Chancellor and the C[olonial] O[ffice] on the modifications desired by the U[nited] S[tates] G[overnment] in the proposed Peace Commissions Treaty. The Dep[artmen]t enquire how you wish these dealt with. I presume there will also be observations from Mr. Asquith and other Cabinet Ministers to come.

R. P.

May 18.

A draft to Sir C. Spring Rice should be prepared founded upon the C[olonial] O[ffice] view which I think is the same as ours; the draft should then be circulated to the Cabinet Committee.⁽⁵⁾

The point raised by the Lord Chancellor had better not be dealt with in the draft, but reserved for consideration by the Cabinet Committee.

E. G.

18.5.14.

Sir R. Paget.

The F[oreign] O[ffice] C[olonial] O[ffice] minutes are somewhat contradictory on the question of how H[is] M[ajesty's] G[overnment] shall be satisfied of the non-intervention of the Senate. The C[olonial] O[ffice] seem to want an article in the treaty on the subject.

Also there seems to be no decision as to whether we are to raise an objection to the possible intervention of the Senate in the form of approving the appointment of the U[nited] S[tates]

⁽⁴⁾ [Not reproduced. The number of the Lord Chancellor's minute is given in error for F.O. 21053/912/14/45. The Lord Chancellor in a letter to Sir Edward Grey stated that he agreed with the amendments with the exception of the first. His objection being that a " carefully framed special Arbitration clause in an existing agreement would be superseded by the much more general procedure of the new treaty unless it (the former) had been already successfully put into operation."

The considerations of the Colonial Office (F.O. 21754/912/14/45) are not reproduced here as they are summarised in Sir Edward Grey's despatch No. 236 to Mr. Barclay, *v. infra*, pp. 636-S, No. 548.]

⁽⁵⁾ [*v. infra*, p. 636, No. 548, note ⁽³⁾.]

national arbitrator (see 3 of C[olonial] O[ffice] minute). I imagine that the Senate will have to approve his appointment. Should we say something more definite about it?

E. H. J. L.
20 May, 1914.

We must get something about the non-intervention of the Senate put in the Treaty if we can but I presume there will be the most uncompromising opposition to this and to insist would merely be another way of refusing to go on with the proposed Treaty.

I have inserted some lines calling Sir C. Spring Rice's attention to the suggestion that the Senate may find means of intervening by the app[ointmen]t of the National member being subject to their approval.

R. P.
May 21.

No. 546.

Sir C. Spring Rice to Sir Edward Grey.

F.O. 23956/912/14/45.

Washington, D. May 28, 1914.

Tel. (No. 200.) R.

R. May 29, 1914, 8 A.M.

Peace Commissions.

My despatch No. 130 of Ap[ril] 20.⁽¹⁾

The Secretary of State begs me to ask you how the matter stands. He wants to submit the treaty this session, that is before July. The French Ambassador has sent draft treaty to his Government. I am sending copy.

⁽¹⁾ [*v. supra*, pp. 633-5, No. 545.]

No. 547.

Sir Edward Grey to Sir C. Spring Rice.

F.O. 23956/912/14/45.

Foreign Office, May 31, 1914.

Tel. (No. 203.) R.

D. 9·30 P.M.

Your tel[egram] no. 200.⁽¹⁾ Peace Commissions.

You may inform S[ecretary] of S[tate] that the amendments proposed by him are still under consideration and that H[is] M[ajesty's] G[overnment] hope to reply soon.

⁽¹⁾ [*v. immediately preceding document.*]

No. 548.

Sir Edward Grey to Mr. Barclay.

F.O. 18570/912/14/45.

(No. 326.)

Sir,

Foreign Office, June 11, 1914.

I have had under my careful consideration Sir C. Spring-Rice's despatch No. 130 of the 20th April last,⁽¹⁾ containing the modifications suggested by the United States Government to the proposals put forward in my despatch No. 217 of the 8th April,⁽²⁾ with regard to the proposed treaty for the establishment of an international commission for the investigation of matters in dispute between Great Britain and the United States.

Printed copies of minutes concerning the amendments proposed by the United States Government are transmitted herewith for your confidential information.⁽³⁾ I have to request you now to communicate to the United States Government, in such

⁽¹⁾ [*v. supra*, pp. 633-5, No. 545.]

⁽²⁾ [*v. supra*, p. 632, No. 544.]

⁽³⁾ [Not reproduced, as their substance was embodied in the draft.]

terms as you may think fit, the following views of His Majesty's Government in regard to these amendments :—

Article 1. His Majesty's Government are prepared to agree to the adoption of the second of the two alternatives originally proposed by them, leaving the passage in question to read thus : " The high contracting parties agree that all disputes between them of every nature whatsoever, other than disputes the settlement of which is provided for and in fact achieved under existing agreements between the high contracting parties, shall"

Article 2. His Majesty's Government regret that they are unable to accept the addition proposed by the Secretary of State to this article as it stands in the treaty between the United States Government and the Netherlands. In their opinion this addition, if adopted, would deprive the Commission of its position of permanence and practical independence, and would be inconsistent with the principle that the Commission should be a standing body. It was owing to the importance attached to this principle that it was decided not to adopt the suggestion that the British representative on the Commission should be selected from a panel.

His Majesty's Government consider it essential, moreover, that the Peace Commission should be able to proceed to its duties, when its intervention is required, with as little delay as possible, and that its composition should be such as to command the complete confidence and respect of both parties. They feel certain that a commission definitely appointed for a fixed period would achieve these objects far more satisfactorily than a commission liable to the changes in its constitution now suggested by the United States Government, which, if carried into practice, would imply that the commissioners were specially appointed with reference to the actual case in dispute. Appointments of that nature would, in the opinion of His Majesty's Government, offer opportunities for recrimination and for charges of bias, which are specially to be deprecated in a matter of this sort, and the mere possibility of which would tend to destroy the value of the Commission.

Again, His Majesty's Government have informed the self-governing dominions that the negotiations with the United States Government will be based on the treaties concluded by the United States Government with the Netherlands and Salvador, neither of which contain a provision of the kind now desired by Mr. Bryan—indeed, His Majesty's Government observe that of the four European countries which have concluded Peace Commission Treaties, Switzerland alone has agreed to this provision.

The consent of the self-governing dominions to the present negotiations has been given on the above understanding, and His Majesty's Government cannot undertake to submit to those dominions so radical an alteration of the scheme as the change in the constitution of the Commission now proposed, in support of which His Majesty's Government could themselves put forward no recommendation.

Article 3. His Majesty's Government accept the proposed amendments as stated in Sir C. Spring-Rice's despatch.

With regard to the question of disputes being referred to the Commission direct without previous submission of each individual case to the United States Senate, you will see from the enclosed minutes that the inclusion in the treaty itself of a provision expressly declaring such submission to be unnecessary is considered generally desirable.

As you are aware, the self-governing dominions have been informed that His Majesty's Government would propose not to ratify the treaty unless the non-intervention of the Senate is made quite clear, and it is therefore advisable, in the opinion of His Majesty's Government, that this point should be definitely settled before the treaty is signed. I would in this connection call your attention to the suggestion which has been made, that presumably the appointment of the American national member would be subject to the approval of the Senate, and that body might thus find an opportunity of intervening. From the considerations put forward in Sir C. Spring-Rice's despatch, it appears probable that the Senate would not agree to words in the treaty itself expressly providing that it had no power to intervene, and it may therefore prove necessary for His Majesty's Government to content themselves with a

formal declaration from the United States Government on this point, so worded as to leave no doubt as to the proper interpretation of the treaty.

You should inform the Secretary of State that His Majesty's Government desire to have this point settled before the signature of the treaty, and would prefer the inclusion in the treaty itself of a clause laying down the non-intervention of the Senate; but should he take exception to this proposal, you should ask him to suggest some means by which it can be made quite clear that the view held by the President and himself, that intervention by the Senate is not to take place after the treaty has been ratified in individual cases, or in any manner whatever, must be accepted and acted upon by authorities of the United States in future years, who have not been themselves concerned in making the treaty and may regard it as open to a different construction, unless its wording is beyond doubt. You may explain to the Secretary of State that the self-governing dominions have been informed that the United States Government have assured you that it is intended when once the treaty has been ratified that each case arising under it shall be referred to the Commission without intervention of the Senate, and that this is one of the conditions on which their consent to the negotiation of the treaty has been obtained.

[I am, &c.
E. GREY.]

No. 549.

Sir Edward Grey to Mr. Barclay.

F.O. 28694/912/14/45.

(No. 353.)

Sir,

Foreign Office, June 18, 1914.

The American Ambassador having informed me that Mr. Bryan was most anxious to know whether there was a prospect of our being able to conclude the Peace Commission Treaty in time for it to go to the Senate during the present Session, I gave the Ambassador to-day a copy of the despatch that was being sent to the Embassy in Washington. I pointed out that the great difficulty seemed to me to be that of making sure that the Senate would not intervene in the working of the Treaty.

I found the Ambassador thoroughly alive to the importance of this point.

I then said that it might be possible to agree fairly soon with the United States on the draft of a Treaty which we should be prepared to recommend to the Self-Governing Dominions; but I had asked Mr. Harcourt only this morning how long it would take to obtain their consent, and he had explained that it must take a little time, as some of the Members of their Governments would be scattered on holiday.

The Ambassador said that he thought Congress would adjourn about the middle of July; and, even if it sat a little longer, it would not take up new matter, such as this Treaty, after the middle of July. He felt, therefore, that there was no chance of our Treaty being ready to be dealt with in the present Session; but he did not regard this as vital.

I agreed, and said that, when it was known that we were agreed upon the draft of a Treaty that was being recommended to the Self-Governing Dominions, that in itself would have a certain moral effect.

[I am, &c.]
E. G[REY].

Mr. Barclay to Sir Edward Grey.

F.O. 29616/912/14/45.

(No. 214.)

Sir,

Washington, D. June 22, 1914.

R. July 1, 1914.

With reference to my despatch No. 187 of the 3rd instant⁽¹⁾ I have the honour to transmit to you herewith copy of the draft Treaty between France and the United States providing for the establishment of an international commission of enquiry for the investigation of matters in dispute between the two countries, including the amendments to the original text suggested by the French Ambassador to his Government. The principal amendments were summarized in my despatch under reference.

M. Jusserand informs me that he has received a telegram from the Quai d'Orsay approving this text with certain slight modifications. He is awaiting detailed instructions by despatch before making a further communication to the Secretary of State on the subject.

I have sent a copy of this despatch to the Governor-General of Canada.

I have, &c.

COLVILLE BARCLAY.

Enclosure in No. 550.

Projet de Traité entre la France et les États Unis pour faciliter le Règlement des Litiges entre eux.

ARTICLE 1^{er}.

Tous différends s'élevant entre le Gouvernement de la République française et le Gouvernement des États-Unis d'Amérique, de quelque nature qu'ils soient, lorsque les procédés diplomatiques ordinaires auront échoué et que les Hautes Parties contractantes n'ont pas recours à l'arbitrage ou que l'une d'elles estime ne pas pouvoir y recourir, seront soumis pour examen et rapport à une Commission internationale permanente, constituée de la manière proscrite [*sic*] dans l'article suivant.

Les Hautes Parties contractantes conviennent de ne se livrer, l'une vis-à-vis de l'autre, à aucun acte de force durant l'examen auquel procèdera la Commission et avant la remise de son rapport.

ARTICLE 2.

La Commission internationale sera composée de cinq membres nommés comme il suit : chaque Gouvernement désignera deux membres, dont un seulement de sa nationalité ; le cinquième membre sera désigné d'un commun accord et ne pourra appartenir à une des nationalités déjà représentées dans la Commission ; il remplira les fonctions de Président.

Au cas où les deux Gouvernements ne pourraient se mettre d'accord sur le choix du cinquième commissaire, les quatre autres seraient appelés à le désigner, et à défaut d'entente entre ceux-ci, les dispositions de l'article 45 de la Convention de La Haye de 1907 seraient appliquées.

La Commission sera constituée dans les six mois de l'échange des ratifications de la présente convention.

Les membres sont nommés pour une année et leur mandat peut être renouvelé. Ils restent en fonctions jusqu'à leur remplacement ou jusqu'au renouvellement de leur mandat, ou encore jusqu'à l'achèvement de leurs travaux en cours au moment de l'expiration de leur mandat.

⁽¹⁾ [Not reproduced. It enclosed a letter from M. Jusserand, the French Ambassador in Washington, referring to the treaty which was being negotiated between France and the United States. It also enclosed a copy of the notes on additions and modifications which M. Jusserand had suggested to his Government. (F.O. 26758/912/14/45.)]

Il sera pourvu dans le plus bref délai aux vacances qui se produiraient (décès, démission) suivant le mode employé pour la nomination.

Les Hautes Parties contractantes s'entendront avant qu'il soit procédé à la désignation des commissaires relativement à la rémunération de ceux-ci. Elles supporteront par moitiés les frais auxquels donnerait lieu la réunion de la Commission.

ARTICLE 3.

Dans le cas où il s'élèverait entre les Hautes Parties contractantes un différend qui ne serait pas réglé par les voies ordinaires, chaque partie aura le droit de demander que l'examen en soit confié à la Commission internationale chargée de faire un rapport. Notification sera faite au Président de la Commission internationale qui se mettra aussitôt en relations avec ses collègues.

Dans le même cas, le Président, après avoir consulté ses collègues et moyennant avis conforme de la majorité des membres de la Commission, peut offrir les services de celle-ci à chacune des Parties contractantes. Il suffit que l'un des deux Gouvernements déclare l'accepter pour que la Commission soit saisie conformément à l'alinéa précédent.

ARTICLE 4.

Les deux Hautes Parties contractantes auront le droit de préciser, chacune de son côté, auprès du Président de la Commission quel est l'objet du litige. Nulle différence dans ces exposés, fournis à titre d'indication, n'arrêtera l'action de la Commission.

Dans les cas où la cause du différend consisterait en actes déterminés déjà effectués ou sur le point de l'être, la Commission indiquera, dans le plus bref délai possible, quelles mesures, conservatoires des droits de chacun, devraient, selon son avis, être prises à titre provisoire et en attendant le dépôt de son rapport.

ARTICLE 5.

La Commission s'inspirera, dans la mesure du possible quant à la procédure qu'elle aura à suivre, des dispositions contenues dans les articles 9 à 36 de la Convention de La Haye de 1907.

Les Hautes Parties contractantes conviennent de fournir à la Commission tous les moyens et toutes les facilités nécessaires à son examen et à son rapport.

Les travaux de la Commission devront être terminés dans l'année du jour où elle aura été saisie, à moins que les Hautes Parties contractantes ne tombent d'accord pour la fixation d'un autre délai.

Les conclusions de la Commission et les termes de son rapport seront arrêtés à la majorité. Le rapport, signé par le Président seul, agissant en vertu de sa qualité, sera transmis par ses soins à chacune des Parties contractantes.

Les Hautes Parties contractantes se réservent une entière liberté pour la suite à donner au Rapport de la Commission.

ARTICLE 6.

Le présent traité sera ratifié par le Président de la République française, conformément aux lois constitutionnelles de la France, et par le Président des États-Unis d'Amérique sur l'avis et avec le consentement du Sénat des États-Unis.

Il entrera en vigueur aussitôt après l'échange des ratifications pour une durée de cinq années.

Postérieurement à ce délai, il pourra être renouvelé de cinq ans en cinq ans par tacite reconduction.

No. 551.

Mr. Barclay to Sir Edward Grey.

F.O. 30121/912/14/45.

Washington, D. July 3, 1914.

Tel. (No. 237.) R.

R. July 4, 1914, 11.20 A.M.

Your despatch No. 326 of June 11.⁽¹⁾

Peace Commissions.

Sec[retary] of State is quite willing to suppress addition proposed by him in Art[icle] 2.

As to inclusion of clause laying down non-intervention of Senate in each individual case, Sec[retary] of State says that this would wreck the treaty. He is also opposed to exchange of formal notes (procedure not adopted in the case of any other similar treaty) in view of hostility aroused by tolls question. He proposes to make next week a considered statement to the Senate Committee on Foreign Affairs fully explaining modus operandi of all these treaties, so that there cannot be any possible doubt as to their interpretation in the future. Should his statement not meet with approval of Senate Committee, Sec[retary] of State intends to fight the matter until it is satisfactorily settled. Statement as soon as agreed upon will be communicated to all parties interested, including ourselves. Sec[retary] of State maintains that such a statement in the hands of all signatories will be more authoritative than an exchange of notes between two parties only.

He wrote privately to Sir C. Spring-Rice on 1st July, to the above effect.

(¹) [*v. supra*, pp. 636-8, No. 548.]

No. 552.

Sir Edward Grey to Mr. Barclay.

F.O. 31730/912/14/45.

(No. 397.)

Sir,

Foreign Office, July 9, 1914.

The American Ambassador read to me to-day and left with me the enclosed telegram. After he had read it to me, I observed that it would be necessary for us to send the text of the Treaty to the Self-Governing Dominions for their approval, and it would be essential that we should be able to submit to them at the same time the text of what Mr. Bryan proposed to say regarding the interpretation of the Treaty.

The Ambassador said that Mr. Bryan had evidently overlooked this point, of which the Ambassador himself was quite aware, that we must send the Treaty to the Self-Governing Dominions. This would probably make it impossible for the Treaty to be presented to the Senate in the present Session; but there would be no harm in the Treaties with the other countries being presented soon, and ours coming later. He agreed that it was essential that we should see the text of the interpretation that Mr. Bryan proposed to submit to the Senate, and that we should send it to the Self-Governing Dominions. The interpretation would be discussed in the Senate with the Treaty, and would practically be an annexe to it.

I said that, as soon as I received the text of the interpretation, I would get the Cabinet Committee to meet and consider it; and if they approved it, I would then ask Mr. Harcourt to send it with the text of the Treaty to the Self-Governing Dominions.

I am, &c.

E. GREY.

Enclosure in No. 552.

Paraphrase of Telegram received July 7, 1914.

The Ambassador is instructed to say to Sir Edward Grey that Mr. Bryan has just read a draft of the Peace Treaty which he finds entirely satisfactory in every respect. He believes that it will stand as a model of simplicity and clearness. He will have copies printed and send his copy to be signed in London by Sir Cecil Spring Rice. Mr. Bryan will sign Great Britain's copy in Washington and the two copies can then be exchanged, the hour for doing so being fixed upon later by telegraph. The French treaty which is also ready will be signed at the same hour, Mr. Jusserand signing in France where he will be for a few weeks. Mr. Bryan considers that it will be a great triumph for the peace plans when these Treaties are finally signed. By that time twenty Peace Treaties will have been signed and will be presented to the Senate for ratification. Before the Treaty with Great Britain is signed Mr. Bryan will present to the Senate Committee with the approval of the President a statement containing an interpretation of the Treaty, and copies of this statement will be sent to each of the Governments with whom Treaties have been negotiated. In the interpretation Mr. Bryan will set forth the fact that the Senate will not act upon the submission of questions for investigation. In the case of the actual submission of questions for arbitration it would be necessary to consult the Senate, but when a question is merely submitted for investigation, each party reserving the right to act independently afterwards, it is merely another way of dealing with the subject by diplomatic means. Mr. Bryan will transmit to the Ambassador by mail immediately a copy of the Treaty for his information.

The Ambassador is further informed that the Chinese Minister has received authorization to conclude a Treaty upon the lines of either the British Treaty or that concluded with France.

American Embassy, London, July 9, 1914.

No. 553.

Mr. Barclay to Sir Edward Grey.

F.O. 31400/912/14/45.

Washington, D. July 10, 1914.

Tel. (No. 245.) R.

R. July 11, 1914, 10 A.M.

Sec[retary] of State gave me this morning text of the Peace commission Treaty saying that he would send copy by post on July 13th for Sir C. Spring Rice's signature. I remarked that copies of the draft I had communicated to him were only in the rough and that they would only reach you on the 13th July, also that I understood that H[is] M[ajesty's] G[overnment] had still to consult with the Self governing Dominions. I said also that "Union of" should be inserted in Art[icle] 3 before "South Africa" and word "Gov[ernmen]t" eliminated from Art[icle] 5. He insisted that latter was intentional and requested me to telegraph so as to receive reply by July 13th. I counselled patience but in vain.

He will make statement to Senate Committee probably on July 15th.

MINUTE.

Mr. Page made a communication to me on Thursday and I recorded the conversation. Summarize that record in a telegram to Mr. Barclay and let me see the telegram in draft on Monday.⁽¹⁾

E. G.
12.7.14.

(1) [v. immediately succeeding document. Sir Edward Grey's conversation with Mr. Page is reported in his despatch to Mr. Barclay, No. 397, of July 9, 1914. v. immediately preceding document.]

No. 554.

Sir Edward Grey to Mr. Barclay.

F.O. 81400/912/14/45.

Foreign Office, July 15, 1914.

Tel. (No. 263.) R.

D. 2.30 P.M.

Your tel[egram] No. 245 of July 10.⁽¹⁾ Peace Commissions.

Similar communication has been made here by U[nited] S[tates] Ambassador. I replied that Treaty would have to be submitted to Self Governing Dominions and that it was essential to submit to them at the same time text of what Mr. Bryan proposed to say as to interpretation of Treaty.

Ambassador said Mr. Bryan had evidently overlooked necessity of consulting Dominions, a point of which the Ambassador was quite aware; that this would probably prevent presentation of Treaty to Senate during this Session, but that other Treaties could be presented, ours following later. I pointed out to H[is] Exc[ellency] the necessity of our seeing text of interpretation of Treaty to be submitted to the Senate, and sending it to Self-Governing Dominions.

I said Cabinet Committee should consider text of interpretation as soon as I received it, and that if they approved it should be sent with text of Treaty to Self-Governing Dominions.

(1) [v. immediately preceding document.]

No. 555.

Mr. Barclay to Sir Edward Grey.

F.O. 84265/912/14/45.

Washington, D. July 15, 1914.

(No. 241.)

R. July 28, 1914.

Sir,

With reference to my despatch No. 214 of the 22nd ultimo,⁽¹⁾ I have the honour to transmit to you herewith copy of a further revision of the draft treaty between France and the United States for the establishment of an international commission of enquiry for the investigation of matters in dispute between the two countries, which has been communicated to me by the French Chargé d'Affaires.

The amendments introduced into the draft since the date of my above-mentioned despatch are indicated in red ink in the enclosed copies of the treaty.⁽²⁾

I have, &c.

COLVILLE BARCLAY.

Enclosure in No. 555.

Traité pour le Règlement des Litiges.

(Le Président de la République française et le Président des Etats-Unis d'Amérique, désirant affirmer les relations amicales qui unissent leurs deux pays et servir la cause de la paix générale, ont décidé de conclure un traité à ces fins et ont nommé en conséquence les plénipotentiaires ci-après désignés, savoir :

Le Président de la République française, Son Excellence J. J. Jusserand, Ambassadeur de la République française aux Etats-Unis ;

Et le Président des Etats-Unis d'Amérique, l'Honorable William Jennings Bryan, Secrétaire d'Etat des Etats-Unis.

(1) [v. *supra*, pp. 639-40, No. 550.]

(2) [The amendments are shown here within brackets. In the case of deletions they are also in erased type.]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivantes):

(Projet de Traité entre la France et les Etats-Unis pour faciliter le règlement des litiges entre eux.)

ARTICLE 1^{er}.

Tous différends s'élevant entre le Gouvernement de la République française et le Gouvernement des Etats-Unis d'Amérique, de quelque nature qu'ils soient, lorsque les procédés diplomatiques ordinaires auront échoué et que les Hautes Parties contractantes n'ont pas recours à l'arbitrage, (~~ou que l'une d'elles estime ne pas pouvoir y recourir,~~) seront soumis pour examen et rapport à une Commission internationale permanente, constituée de la manière proscrite [sic] dans l'article suivant.

Les Hautes Parties contractantes conviennent de ne se livrer, l'une vis-à-vis de l'autre, à aucun acte de force durant l'examen auquel procèdera la Commission et avant la remise de son rapport.

ARTICLE 2.

La Commission internationale sera composée de cinq membres nommés comme il suit: chaque Gouvernement désignera deux membres, dont un seulement de sa nationalité; le cinquième membre sera désigné d'un commun accord et ne pourra appartenir à une des nationalités déjà représentées dans la Commission; il remplira les fonctions de Président.

Au cas où les deux Gouvernements ne pourraient se mettre d'accord sur le choix du cinquième commissaire, les quatre autres seraient appelés à le désigner, et à défaut d'entente entre ceux-ci, les dispositions de l'article 45 de la Convention de La Haye de 1907 seraient appliquées.

La Commission sera constituée dans les six mois de l'échange des ratifications de la présente convention.

Les membres sont nommés pour une année et leur mandat peut être renouvelé. Ils restent en fonctions jusqu'à leur remplacement ou jusqu'au renouvellement de leur mandat, ou encore jusqu'à l'achèvement de leurs travaux en cours au moment de l'expiration de leur mandat.

Il sera pourvu dans le plus bref délai aux vacances qui se produiraient (décès, démissions, (cas de force majeure)), suivant le mode employé pour la nomination.

Les Hautes Parties contractantes s'entendront avant qu'il soit procédé à la désignation des commissaires relativement à la rémunération de ceux-ci. Elles supporteront par moitiés les frais auxquels donnerait lieu la réunion de la Commission.

ARTICLE 3.

Dans le cas où il s'élèverait entre les Hautes Parties contractantes un différend qui ne serait pas réglé par les voies ordinaires, chaque partie aura le droit de demander que l'examen en soit confié à la Commission internationale chargée de faire un rapport. Notification sera faite au Président de la Commission internationale qui se mettra aussitôt en relations avec ses collègues.

Dans le même cas, le Président, après avoir consulté ses collègues et moyennant avis conforme de la majorité des membres de la Commission, peut offrir les services de celle-ci à chacune des Parties contractantes. Il suffit que l'un des deux Gouvernements déclare l'accepter pour que la Commission soit saisie conformément à l'alinéa précédent.

(Le lieu de réunion sera fixé par la Commission elle-même.)

ARTICLE 4.

Les deux Hautes Parties contractantes auront le droit de préciser, chacune de son côté, auprès du Président de la Commission quel est l'objet du litige. Nulle différence dans ces exposés, fournis à titre d'indication, n'arrêtera l'action de la Commission.

Dans le cas où la cause du différend consisterait en actes déterminés déjà effectués ou sur le point de l'être, la Commission indiquera, dans le plus bref délai possible, quelles mesures, conservatoires des droits de chacun, devraient, selon son avis, être prises à titre provisoire et en attendant le dépôt de son rapport.

ARTICLE 5.

La Commission s'inspirera, dans la mesure du possible quant à la procédure qu'elle aura à suivre, des dispositions contenues dans les articles 9 à 36 de la Convention (1) de La Haye de 1907.

Les Hautes Parties contractantes conviennent de fournir à la Commission tous les moyens et toutes les facilités nécessaires à son examen et à son rapport.

Les travaux de la Commission devront être terminés dans l'année du jour où elle aura été saisie, à moins que les Hautes Parties contractantes ne tombent d'accord pour la fixation d'un autre délai.

Les conclusions de la Commission et les termes de son rapport seront arrêtés à la majorité. Le rapport, signé par le Président seul, agissant en vertu de sa qualité, sera transmis par ses soins à chacune des Parties contractantes.

Les Hautes Parties contractantes se réservent une entière liberté pour la suite à donner au Rapport de la Commission.

ARTICLE 6.

Le présent traité sera ratifié par le Président de la République française, conformément aux lois constitutionnelles de la France, et par le Président des Etats-Unis d'Amérique sur l'avis et avec le consentement du Sénat des Etats-Unis.

Il entrera en vigueur aussitôt après l'échange des ratifications pour (et aura) une durée de cinq années.

(Postérieurement à ce délai, il pourra être renouvelé de cinq ans en cinq ans par tacite reconduction.)

(S'il n'a pas été dénoncé au moins six mois avant l'expiration de ce délai, il sera renouvelé par tacite reconduction pour une nouvelle période de cinq ans et ainsi de suite de cinq ans en cinq ans, sauf dénonciation.)

No. 556.

Mr. Barclay to Sir Edward Grey.

F.O. 34269/912/14/45.

(No. 246.)

Sir:—

Washington, D. July 16, 1914.

R. July 28, 1914.

The Secretary of State took an opportunity when I was calling upon him on the 10th instant on another matter, to give me a printed copy of the Peace Commissions Treaty which he said he wished to send over to England by mail on the 13th for Sir C. Spring Rice's signature.

I reminded him that the copies of the draft I had communicated to him were only in the rough, and pointed out various glaring omissions in the preamble, and to one or two probable alterations in the text, as will be seen from the corrections made in ink in the enclosed copy.⁽¹⁾ I also told him that I understood from a despatch I had received from you only a week before that His Majesty's Government had still to consult the Self Governing Dominions, that this must necessarily take some time,

(1) [Not reproduced. The corrections are indicated in Mr. Barclay's telegram No. 245, v. *supra*, p. 642, No. 553.]

that you were not yet acquainted with the statement he proposed to make to the Senate, and that therefore it was quite impossible for him to have the copy ready for signature three days hence. In spite of all I said he was most persistent and asked me to telegraph to you in regard to the two alterations to which I had drawn his attention.

To-day I communicated to Mr. Bryan the substance of your telegram No. 263 of the 15th instant,⁽²⁾ informing him that the Cabinet Committee would have to consider the text of his statement as to the interpretation to be placed on the Peace Commissions Treaty, as soon as it was received, and that if they approved it, it would have to be submitted together with the text of the treaty itself to the Self Governing Dominions.

Mr. Bryan said that he quite understood the position and gave me a copy of the statement he had made yesterday to the Foreign Relations Committee of the Senate,—asking me that it should be considered as a confidential document.

He proposes to address copies of this statement to all American Representatives abroad for communication to the Governments to which they are accredited, as well as to every member of the United States Senate, and he thinks that it places beyond doubt that questions falling under the Treaty are to be referred direct to the Commission without any further sanction of the United States Senate.

I asked Mr. Bryan whether the statement had been well received by the Senate Committee. He replied in the affirmative, and said it was the President's intention to have the Treaties already signed, some twenty in number, presented to the Senate for ratification this session. It will be interesting to see the reception accorded to them.

I have, &c.

COLVILLE BARCLAY.

Enclosure in No. 556.

Statement made by the Secretary of State to the Foreign Relations Committee of the United States Senate on July 15, 1914.

The President will soon present to the Senate for ratification a group of treaties, numbering about twenty. Treaties have already been signed between the United States and the following countries: Salvador, Guatemala, Panama, Honduras, Nicaragua, Netherlands, Bolivia, Portugal, Persia, Denmark, Switzerland, Costa Rica, Dominican Republic, Venezuela, Italy, Norway and Peru. A treaty with Uruguay has also been agreed upon and will be signed in Washington soon—probably next week. The text of the treaty with France has been agreed upon; also the text of the treaty with Great Britain, which is being submitted for approval to the various colonies of Great Britain. The treaties with Great Britain and France will be signed on the same day. China has announced her willingness to sign a treaty along the lines of the French or British treaty, copies of which have been sent to Peking for consideration. We are working upon the terms of the treaties with Brazil, Argentina and hope to sign them before the end of the month. In addition to these negotiations are being pushed to conclusion with other nations. I do not know how many of these treaties will be ready for presentation to the Senate before adjournment, but as the President desires that these treaties shall be ratified, if possible, before adjournment, I now present a brief statement setting forth the general principles embodied in the Treaties in order that you may have the matter under consideration and be in a position to act more speedily when the treaties are formally laid before the Senate for approval. No effort has been made to secure uniformity in the language of the treaties. The general plan proposed a year ago last April embodied certain principles and this Government expressed a willingness to confer with each nation separately as to details, being quite willing to accept any reasonable modification as to language provided the main principles were retained. These may be stated as follows:

1. That investigation shall be resorted to in all cases where the ordinary resources of diplomacy fail.

⁽²⁾ [v. *supra*, p. 643, No. 554.]

2. That the contracting parties reserve the right to act independently upon the subject-matter after the submission of the report.
3. That there shall not be any appeal to force until the investigation is completed.
4. The Commission is to be composed of five members, one chosen from each country from among its own citizens; one chosen by each country from another country, and the fifth to be chosen by agreement of the two countries from some third country. In a few cases provision is made for the appointment of the fifth member by the Hague or by the four members, in case the two countries cannot agree.
5. The investigation must be completed and the report submitted within one year, unless the contracting parties agree to extend the time.

The first and second propositions are closely related, the second being essential to the first; that is, the investigation cannot be made to cover all cases without leaving to the contracting parties liberty of action at the conclusion of the investigation. In all our arbitration treaties there are certain exceptions, and in most of these treaties the exceptions are "The vital interests, the independence, or the honor of the two contracting States and the interests of third parties."

It is evident that these arbitration treaties do not prevent recourse to hostilities with regard to the causes included in the exception clause. It is the intention of the treaties now being exchanged to close this gap and leave no cause for a declaration of war and the beginning of hostilities until there has been an investigation of the differences. By leaving the parties freedom of action, when the investigation is over, it is possible to make the investigation cover all causes. It is believed that an investigation will not only give time for the subsidence of passion and the restoration of calm and deliberate judgment, but that it will also be useful in separating questions of fact from questions of honor.

Attention is called to the fact that these treaties contemplate the submission of disputes to investigation without further authority from the Senate. In the case of arbitration each case must be submitted to the Senate for its approval, even though it is a case which the parties agree in the treaty shall be submitted to arbitration. As arbitration binds the parties to an acceptance of the award, it is necessary under the Constitution that the agreement providing for arbitration shall have the approval of the Senate. Investigation, however, differs from arbitration in that it involves no agreement to abide by the decision; it is purely a diplomatic examination into the controversy, and can be undertaken at any time at the request of either nation whenever other diplomatic means fail to bring about a settlement of the dispute.

In most of the treaties the International Commission is authorized to act upon its own initiative; that is, in case either party fails to ask for investigation, it may be proposed by the Commission itself. This provision is intended to operate when feeling runs high and when the parties for any reason hesitate to ask for investigation. In a few of the treaties it is provided that the Commission can only offer its services by the unanimous action of the members of the Commission.

The first five treaties contain in Article IV the following:

"Pending the investigation and report of the International Commission, the high contracting parties agree not to increase their military or naval programme, unless danger from a third Power should compel such increase, in which case the party feeling itself menaced shall confidentially communicate the fact in writing to the other contracting party, whereupon the latter shall also be released from its obligation to maintain its military and naval status quo."

The Netherlands treaty, which was the sixth treaty signed, omitted this paragraph, and it has been omitted from all subsequent treaties except that with Persia. The paragraph was suggested in the beginning in the belief that the nations might object to a year's investigation unless the treaty contained some provision which would prevent the time being used in preparation for hostilities. It will be noticed

that the "parties agree not to increase their military or naval programmes, unless danger from a third party shall compel such increase, in which case the party feeling itself menaced shall confidentially communicate the fact in writing to the other contracting party, whereupon the latter shall also be released from its obligation to maintain its military and naval status quo."

This exception gives protection from the only danger that was suggested in the preliminary discussion of the treaty. In such case the party menaced has only to notify the other contracting party in order to be released from the agreement, and the release of one operates as a release of both. This Government has expressed its willingness to include the above paragraph wherever it is desired and it is equally willing to omit it whenever objection is made.

The above covers the essential points. As the plan itself was enforced [*sic*] in advance by the Committee, it is not necessary at this time to enter into an argument in its support. All that I intend at this time is to give you full information as to the details in order to avoid any unnecessary delay when the treaties are presented for ratification.

No. 557.

Sir Edward Grey to Mr. Barclay.

F.O. 32259/912/14/45.

(No. 408.)

Sir,

Foreign Office, July 17, 1914.

The Sec[retary] of the U[nited] S[tates] Embassy called at this Office on the 14th instant and said that the U[nited] S[tates] Amb[assado]r had rec[eive]d a tel[egram] from the U[nited] S[tates] Secr[etary] of State stating that he was very anxious to sign the Peace Commission treaties with Great Britain and France before Congress rose. Mr. Bryan contemplated making his statement, explanatory of the treaties to the Senate on the 15th instant and hoped that its text would reach H[is] M[ajesty's] G[overnment] very shortly. He had asked in his telegram whether it was absolutely necessary that the treaty with Great Britain should be submitted to the Dominions and, if so, whether they would be consulted by mail or by cable.

Mr. Laughlin was informed in reply that these questions were answered by my last conversation with Dr. Page (see my tel[egram] No. 263 of 15th inst[ant]).⁽¹⁾ It was quite certain that the treaty must be commu[nicate]d to the Dominions and H[is] M[ajesty's] G[overnment] contemplated sending them the text. H[is] M[ajesty's] G[overnment] must also wait to receive the text of the interpretation of the treaty submitted to the Senate; and, until it had been considered, they could not consult the Dominions.

It was pointed out to Mr. Laughlin that there was no chance of getting replies from the Dominions before Congress rose.

Mr. Laughlin said that Dr. Page quite understood the situation.

[I am, &c.
E. GREY.]

⁽¹⁾ [*v. supra*, p. 643, No. 554.]

[*ED. NOTE.*—The Treaty between the United States and Great Britain for the advancement of General Peace was signed at Washington on September 15, 1914, and ratification was advised by the Senate on September 25. The Treaty was ratified by Great Britain on October 8 and by the President on November 4. Ratifications were exchanged at Washington on November 10. A similar treaty was signed with France on September 15, 1914. Ratifications were exchanged at Washington on January 22, 1915.]

APPENDIX I.

THE FORTIFICATION OF FLUSHING.

No. 558.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/704.
37515/37515/09/29.
(No. 168.) Secret.
Sir,

The Hague, D. October 8, 1909.
R. October 11, 1909.

I have the honour to transmit to you, herewith, a despatch, which has been addressed to me by Lieutenant Colonel Yarde Buller, Military Attaché to His Majesty's Legation, relative to the measures about to be taken for the improvement of the Coast defences of the Netherlands.

In a conversation, which I recently had with the Minister for Foreign Affairs, I alluded to the passage in the Speech from the Throne, that deals with this subject, and enquired whether the works to be carried out would entail any considerable expenditure. Monsieur de Swinderen replied that he did not himself know what would be the approximate cost and that all he could tell me at present was that a special fund was to be created for the purpose. The defences of Amsterdam would probably, he said, be the first works to be taken in hand; but, on my enquiring whether the Government also contemplated fortifying Flushing, His Excellency remarked that much water would flow down the Scheldt before any serious attempt was made to fortify that port.

Monsieur van Swinderen then proceeded to speak of the report, which has found credence in certain quarters, that the Government were acting in this matter under German pressure. The French Chargé d'Affaires, he said, had called on him that afternoon and had reproached him with the fact that the Netherland Government had placed their order for artillery with Krupp, instead of with the French firm of Schneider. Monsieur Delvincourt, His Excellency continued, had apparently conceived a ridiculous and utterly false notion of the manner in which German influence was asserted at The Hague. He had, first of all, remarked that it was a very curious coincidence that the letter, in which the Minister of War had announced that Krupp and not Schneider were to have the order for the new guns, was written two days after the visit of the German Emperor to Count Bentinck at Middachten; and he had then proceeded to insinuate that, in the question of the improvement of their coast defences, the Netherland Government were also yielding to German dictation. There was not, Monsieur van Swinderen declared, the slightest foundation for this statement; and the whole story, like that of the famous letter, which the German Emperor was supposed to have written, once upon a time, to Queen Wilhelmina, was, to put it tersely, "a damned lie." The Emperor, he could assure me, had never threatened Her Majesty with a German occupation of the Dutch Ports, were they not put into a proper state of defence, nor did he believe that His Majesty would ever venture to dictate to the Queen the steps which She must take for the defence of Her coasts.

Whether or not Monsieur van Swinderen's "démenti" may be taken as absolutely true in all particulars I will not pretend to say; but I entirely agree with Lieutenant Colonel Yarde Buller in thinking that exaggerated views are entertained by many persons as to the actual pressure brought to bear on this country by Germany. Considering that it is a matter of capital importance to that Empire that the Netherlands should be in a position to defend the mouths of the Rhine and of the Scheldt in the event of an Anglo-German War, it is but natural that, in private conversations between German and Dutch Diplomats, hints should be dropped as to

the consequences, which may ensue, should the Netherlands not be in a position to defend their coasts in time of war. I do not, however, believe that any direct pressure has been applied. On the other hand, I have drawn the impression from my conversations with Monsieur van Swinderen that the Netherland Government are most anxious to avoid giving Germany the slightest pretext for complaint or for eventual intervention; and that desiring as they do, to remain outside any European conflict that the future may have in store for us, they would like to place their coasts in a proper state of defence against all comers. Though, as Lieutenant Colonel Yarde Buller justly remarks, the strengthening of the defences of Flushing may prove to be a matter of considerable moment for us, it cannot, I think, be regarded as aimed directly at us. It is not from us that aggression is feared in the first instance, as it is but too well understood that, if the Independence of the Netherlands is ever seriously threatened, the attack will come from the side of Germany and not from Great Britain. Dutch Statesmen cannot, however, foresee what may be the outcome of a general European war or whether they may not one day find themselves forced by the course which such a war may take, to defend their coast against either a British or a German Fleet. It is for this reason, if I am not mistaken, that they think that the best way to preserve the Independence, to which they attach so high a value, is to put their house in order, so far as the limited means at their disposal enable them to do so.

I have, &c.

GEORGE W. BUCHANAN.

Enclosure in No. 558.

Lieutenant-Colonel Yarde-Buller to Sir G. Buchanan.⁽¹⁾

Sir,

The Hague, October 6, 1909.

I have the honour to inform you that a sum of money is being asked in the estimates of the Netherlands for the financial year 1910 for the purpose of fortifying Flushing, as foreshadowed by the following words in Her Majesty's speech from the Throne at the opening of the States General in September last:—

“The presentation of a Bill for the institution of a fund to supplement and improve the coast fortifications and the material of the naval force destined for the defence of the estimates [*sic*: estuaries] may be looked forward to before long.”

Various journals have of late been somewhat assiduous in their endeavours to cause their readers to take it for granted that all naval and military precautions, whether they be taken by Denmark, the Netherlands or Belgium, are the direct result of German intrigue, one journal, of which I attach a translation of an article,⁽²⁾ going so far as to infer that they are the outcome of a direct mandate from the German Emperor. I would recall to mind that Doctor Kuyper has for some time been strongly of opinion that the first duty obligatory on the Netherlands is the question of coast defence, a strong article having appeared last year in the Dutch paper “*Standaard*” (Doctor Kuyper's journal) finding severe fault with the Government for striking out of the estimates for 1909 the moneys asked for the improvement of the coast defences. I attach hereto a translation of the article referred to.⁽²⁾

Without enlarging on articles, whether they be written by members of the press or be contributed by others to the press, I would mention that it is now over two years since it was decreed in the Netherlands that the naval and military programmes should be co-ordinated with a view to ensuring a better combination of the sea and

⁽¹⁾ [The original of this despatch was sent to the War Office. The text given above has been taken from the *Confidential Print*.]

⁽²⁾ [Not reproduced.]

land forces than had formerly been the case, a joint committee having been assembled to investigate this subject, and one of the important matters under consideration being the question of the coast defences.

On referring to the map⁽³⁾ which I attach it will be noticed that the Dutch port of Flushing commands the entrance to the Belgian port of Antwerp, and I would mention that no official answer has ever been vouchsafed by the Netherlands as to the status of this channel in the event of a belligerent desiring to enter it; one can not but consider seriously what would be the attitude of the Netherlands in the event of England, as a guarantor of Belgium's neutrality, being desirous of entering this channel for strategic reasons with the object of safeguarding Belgium against an attempted violation of her neutrality on the part of Germany. There is no doubt that Germany would at once warn the Netherlands that under no circumstances is she to permit England to do so, whilst England would at the same time demand the right; the result appears to be that the Netherlands would inevitably be drawn into a conflict either by England or Germany, or by both these Powers, due to the fact that the geographical position of the Belgian port at Antwerp constitutes the most serious source of danger to the peace of the Netherlands; with this in view she must endeavour to thwart any attempt at landing on the part of rival belligerents and thereby evade what chances she can of becoming implicated in a quarrel or conflict in which she has not the slightest desire to be implicated.

With regard to the subject of German intrigue, it appears to me that not only does the press article (attached) give an exaggerated view of the state of affairs generally, but I would add that some of the views given me by certain Frenchmen with whom I have conversed on this subject appear to me to be based on an over-suspicious temperament; at the same time I do not wish it to be inferred that I am of opinion that German influence is not brought to bear on the Netherlands and other small States bordering on Germany, for I am firmly convinced that it is, but I would submit that it is the natural result and outcome of the position of that gigantic military Power in relation to the small and weak States on her border, who must perforce carry out certain duties obligatory on them owing to their geographical situation.

Be this as it may, the fact of Flushing being placed into a defensive state cannot but be regarded as a most important matter to England, especially as the Netherlands, adhering with all her might and main to her independence, would do her utmost to stop all attempts at an infringement of international law which would or might implicate her in a conflict, no matter whether that infringement were on the part of England, Germany, or any other nation.

I have, &c.

H. YARDE-BULLER, *Lieutenant-Colonel,*
Military Attaché.

MINUTES.

Holland has every right to take such steps for the defence of her territory as will secure respect to her neutrality in case of a European war. On the other hand it is rather absurd to argue that the strengthening of the coast defences can be directed to warding off dangers from anywhere but from England.

The question of the naval defence of Flushing raises, as Colonel Yarde-Buller points out, a point of great importance to England. The question involved is none other than that of the right to blockade the estuary of a river which gives direct access by water to a hostile port, when the lower portion of the estuary passes through neutral territory.

E. A. C.
Oct[ober] 11.

The exercise of such a right would I imagine certainly throw the neutral into the arms of the other belligerent.

W. L.

(3) [Not reproduced.]

When I sent in yesterday my mem[orandum]⁽⁴⁾ about the coast-defences of Holland, I was unaware that this desp[atch] was on the way. I do not see anything in it to alter the contents of the mem[orandum].

The question of our attitude towards German trade entering Germany by Antwerp Rotterdam, and Amsterdam in time of war is a very difficult one and is for the C[ommittee of] I[mperial] D[efence] to decide. It is to the advantage of Germany to observe the neutrality of Holland so long as it is observed by other Powers.

I think a copy of this despatch should go to the Admiralty, D[irector of] M[ilitary] O[perations] and C[ommittee of] I[mperial] D[efence].

C. H.

It is all in harmony with the previous paper⁽⁵⁾ and Sir G. Buchanan's despatch agrees very much with my minute on the memorandum.

E. G.

(4) [v. immediately succeeding document.]

(5) [Sir G. Buchanan's despatch No. 167 of October 4 transmitted a despatch from Lieutenant-Colonel Yarde-Buller enclosing the Dutch Military Budget for 1909, in which the Minister of War indicated that he was going to ask for a sum of money to complete the Amsterdam defences (F.O. 371/704. 37514/37514/09/29). It seems probable, however, that the reference is to the immediately succeeding document.]

No. 559.

Memorandum by Mr. R. H. Campbell.

Germany and the Netherlands Coast Defences.

F.O. 371/704.

37515/37515/09/29.

October 11, 1909.

There is no doubt that owing to the possibility of a future conflict the state of the Netherland coast defences has been a source of considerable anxiety to Germany, and we have strong reason to believe that efforts have been made to induce the Dutch to strengthen them.

Revelations which came to light in the autumn of 1908 show that, at the time of the Russo-Japanese war when the Netherlands nearly committed a breach of neutrality in supplying the Russian ships with coal in the East Indies, the German Emperor, fearing that Japan might call upon her British ally for assistance, warned the Queen of Holland that, unless the Netherland fortifications were at once put into a proper state of defence against England, Germany might be compelled to occupy them on the ground that the Dutch were unable to protect themselves. The defences of Amsterdam were immediately seen to.

Further evidence is given by the Military Attaché in a despatch of October 15, 1908,⁽¹⁾ commenting on an article in the "Standaard," the organ of the influential Dr. Kuyper, formerly Prime Minister, urging the immediate strengthening of the coast defences. Colonel Yarde-Buller writes: "Germany mistrusts English enterprises just as much as England mistrusts German ones, and it may be that she is looking to her defensive system at what might prove a vulnerable point. This is by no means the first time that I have been led to believe that a good deal of influence or pressure from outside has been brought quietly to bear on the affairs of the Netherlands, and it appears to me within the bounds of possibility that Germany has been stimulating this country to ensure that her sea border be rendered impervious to attack." The article in the "Standaard" coincided with a visit which Dr. Kuyper made to Berlin "for his health."

Both the Germans and the Dutch seem convinced that if England were ever at war with Germany she would land troops in Holland. It is therefore not surprising

(1) [Not reproduced as the contents are sufficiently indicated above. (F.O. 371/490. 35921/35921/08/29.)]

that efforts should be made to strengthen the Dutch coast defences: Germany is anxious this should be done for obvious reasons, Holland because she is extremely sensitive and jealous of her neutrality. The Dutch were very pleased with the North Sea Agreement,⁽²⁾ though in some quarters it was feared it might lead to dangerous economy in the country's defences. The German Emperor, as we know, did his best at the time to persuade Holland that it was entirely his idea and due to his desire to help her to preserve her neutrality—further evidence of German efforts to gain the sympathy of Holland and induce her to realise that England is her real enemy.

Whether the possibility referred to by Colonel Yarde-Buller and the disclosures as to the German Emperor's action at the time of the Russo-Japanese war are true—and everything points to their being so, the Netherland coast defences have in the last few years undoubtedly formed the subject of renewed interest, both in the Chambers and outside. The discussions have hitherto not led to much but the speech from the Throne, on the reopening of the States General on September 21 last, stated that "the presentation of a Bill for the institution of a fund to supplement and improve the coast fortifications and the matériel of the naval forces destined for the defence of the estuaries, may be looked forward to before long."

R. H. C.⁽³⁾

MINUTES.

It was in consequence of the reference to the Dutch coast defences in the Queen of Holland's speech from the throne and to the proposal to create a fund for their improvement that I had this mem[orandum] drawn up, and I think it would be desirable to draw the attention of the C[ommittee of] I[mperial] D[efence] to the attitude of the Dutch Government.

There is also no doubt whatever that the scheme for the land defences of Holland which had been prepared by a distinguished military officer (I think a Dutchman or Frenchman) has been set on one side.

The conclusion I draw from these facts is that there may be an agreement between Germany and Holland that Germany will not send troops into Holland in case of war between England and Germany provided that British troops do not enter Dutch territory, and that consequently it is to the advantage of Holland to strengthen her coast defences so as to be able to maintain her neutrality.

It is at the same time very desirable for Germany that Holland should maintain her neutrality, so that in spite of a war with a strong naval Power German imports in neutral bottoms should still be able to enter Germany by the Rhine.

It is therefore conceivable that the Dutch Gov[ernment] consider that the danger to Holland in case of war would be greater from England than from Germany.

C. H.

Oct[ober] 11, 09.

I expect that the Dutch fear Germany much more than us and realize that their best chance of being left alone is to persuade Germany that the independence and neutrality of Holland would be of greater advantage to Germany in case of a war with England than the possession of Holland by Germany. To do this Holland must prove to Germany that she can prevent her country being seized by us and used as a base against Germany. To strengthen her land defences and to neglect her coast defences would give just the opposite impression and would provoke German aggression at once: she probably grudges the expense of fortifying either, but knows that her best chance of being left alone by Germany is to spend on coast defences.

E. G.

⁽²⁾ [*v. supra*, pp. 175-6, No. 153.]

⁽³⁾ [This memorandum was drawn up by Mr. R. H. Campbell for Sir Charles Hardinge.]

[*ED. NOTE.*—The following note from the Committee of Imperial Defence is attached to Mr Campbell's memorandum (*v.* immediately preceding document):—

F.O. 371/704.
37515/37515/09/29.

Committee of Imperial Defence,
2, *Whitehall Gardens, S.W.,*
November 23, 1909.

The Secretary of the Committee of Imperial Defence begs to return the attached document with many thanks. It is proposed to bring to the notice of the Committee of Imperial Defence the question of our attitude towards German trade entering Germany by the Neutral Ports of Holland and Belgium in time of war.

November 23rd, 1909.]

No. 560.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/705.
44331/44331/09/29.
(No. 202.) Confidential.
Sir,

The Hague, D. December 1, 1909.
R. December 6, 1909.

I have the honour to transmit to you, herewith, a *précis*, drawn up by Count C. Bentinck, of the Speech delivered by the Minister for Foreign Affairs in the Second Chamber during the Debate on the Budget for the current financial year, as well as of his written Memorandum of Reply to the criticisms of the Chamber.⁽¹⁾

Monsieur van Swinderen, whom I saw this afternoon, was good enough to give me a detailed account of what he had said and to explain certain passages in his Speech, which have not been quite correctly reported in the newspapers. Though His Excellency did not expressly say so, he gave me to understand that he had desired to make it clear at Berlin that, while anxious to maintain the friendliest relations with the German Empire, the Government of the Netherlands were determined to assert the absolute economic independence of their country. Their policy, he said, was based on the maintenance of the strictest neutrality. They had neither the wish nor the intention of leaning either towards the North or the South, the East or the West; and he had purposely laid stress on the fact that the Netherlands were independent by race, by character and by nature. . . .⁽²⁾

As regarded what he had said in the Chamber on the subject of the North Sea Convention, Monsieur van Swinderen remarked that a general impression prevailed throughout the country that that instrument would impose serious military obligations on the Netherlands. He had, therefore, been at pains to show that this was an entirely erroneous interpretation of it. The Powers, who had signed the Convention, had undertaken to maintain the status quo in their own coastal regions and to respect it in those of the other Parties to it. This did not, however, oblige them to erect fortifications on their Coasts. The duty of defending them against attack was not, in his opinion, imposed on them by the Convention, but by International Law. Thus, if in the course of an Anglo-German war, a British force were landed at Flushing or some other Dutch Port, such a temporary occupation would not constitute a breach of the Convention, but would be a violation of the neutrality of the Netherlands, which, under International Law, that country would be obliged to resist to the best of its power. On the other hand, it would be illegal for the Netherlands, under the Convention, to cede any portion of its coasts or any of the adjoining islands to

⁽¹⁾ [Not reproduced.]

⁽²⁾ [The omitted passages refer to the questions of the Rhine and Elbe Tolls, and to matters of minor importance.]

Germany or any other Power. Monsieur van Swinderen added that reference had been made in the course of the debate to the desirability of guaranteeing the Colonial possessions of the Netherlands in the East Indies by an International Agreement similar to that respecting the North Sea, and that this idea was regarded with sympathy by the Government. . . .⁽³⁾

I have, &c.

GEORGE W. BUCHANAN.

⁽³⁾ [The remaining paragraphs refer briefly to a number of topics not relevant to the question of the defences.]

No. 561.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/939.

4704/4704/10/29.

(No. 12.) Confidential.

The Hague, D. February 7, 1910.

Sir,

R. February 9, 1910.

In his recently published memorandum of reply to the Report of the Sections of the First Chamber of the States General on the Foreign Office Estimates for 1910, the Minister for Foreign Affairs refers to the negotiations with Venezuela, the North Sea Convention and the proposed Rhine Tolls.

As regards the first of these questions, His Excellency states that Diplomatic relations with Venezuela are still interrupted as the Venezuelan Legislature has not yet ratified the Protocol of April 19, 1909, and that no reply has as yet been received to the proposals which, as reported in my despatch No. 2 of the 11th ultimo,⁽¹⁾ he had submitted to M. Grisanti.

The greater portion of the Minister's memorandum contains a reply to a separate interpellation addressed to him by Baron de Heeckeren, a member of the First Chamber and former Netherland Minister to the Scandinavian Courts, on the subject of the North Sea Convention. In his interpellation Baron de Heeckeren repeats the objections raised by him last year to the said Convention (see Lord Acton's despatch No. 27 of the 2nd February 1909)⁽²⁾ namely that no clause had been inserted guaranteeing the integrity and consequently the neutrality of the Netherlands in the event of an Anglo-German war, for without some such clause the Convention was valueless to Holland.

In a confidential conversation with Count C. Bentinck, Baron de Heeckeren stated that what he was anxious to obtain for the Netherlands was an agreement between England and Germany guaranteeing the integrity of Dutch territory, similar to the Declaration of Christiania of November 1907 guaranteeing the integrity of Norway.⁽³⁾ In virtue of this instrument, the late Minister said "Norway could kick but she could not be kicked." That England would be ready to give the necessary guarantee to Holland appeared to Baron Heeckeren a foregone conclusion. The difficulty would, he anticipated, lie with Germany. He considered the Netherland Minister for Foreign Affairs to have been lacking in courage at the time of the conclusion of the North Sea Agreement, in not having made his acceptance of that instrument conditional upon the insertion of some such clause as that mentioned above. Baron Heeckeren's alarm at the prospect of Holland becoming the fighting ground in a possible Anglo-German war arose from the alleged letter from the German Emperor to Queen Wilhelmina, threatening that unless she strengthened certain Dutch fortresses he would be

⁽¹⁾ [Not reproduced. It reported a conversation with the Minister for Foreign Affairs on the subject of these proposals to the Venezuelan Government. (F.O. 371/1024. 1343/1343, 10/47.)]

⁽²⁾ [Not reproduced, as the contents are sufficiently indicated above. (F.O. 371/672. 4569/4569/09/18.)]

⁽³⁾ [*v. supra*, p. 121, *Ed. note*, and p. 118, No. 98, *encl.*]

compelled to occupy them with German troops (See Lord Acton's despatch No. 240 Secret of November 21, 1908);⁽⁴⁾ and he hints at this in his interpellation, when he refers to "measures which there had been a question of taking a few years back in time of peace, and which would have been productive of grave results for the interests of the State." That Baron Heeckeren has good reason to believe in such a letter was clear from his language to Count Bentinck, although its existence was denied by M. de Swinderen in the conversation reported in my despatch No. 168 Secret of the 8 October, 1909.⁽⁵⁾

In his reply, M. de Swinderen once more refuses to approach the German and British Governments in the sense desired. The integrity of the Netherlands was sufficiently guaranteed by the Convention itself so far as the littoral regions were concerned, and a guaranteed neutrality was neither demanded by the interests of the Netherlands nor compatible with her national dignity. The Minister proceeds to express the hope that Baron Heeckeren will attach greater credence to his words than to the rumours regarding the grave measures above referred to, and he denies that there has ever been a question of such measures in time of peace.

It may be observed that the wording of the Foreign Minister's denial by no means excludes the possibility that the alleged incident actually occurred at a period when, though Holland was herself at peace, the peace of the world had already been broken by the hostilities between Russia and Japan. As will be remembered this was the period with which the Emperor's *démarche* was originally believed to have coincided.

You will have learnt from previous despatches that Baron Heeckeren is somewhat of a thorn in the side of the Minister for Foreign Affairs. His tenure of a seat in the elective First Chamber simultaneously with his diplomatic appointment does not appear to have imposed upon him that reticence which is traditionally associated with a similar combination of offices in our own country; and he has already been rebuked on a former occasion by his Departmental Chief for trespassing on the domain of foreign policy in his incursions into debate. The cause of his recent resignation of the post of Dutch Minister to the Scandinavian Courts, respecting which His Majesty's Minister at Stockholm has reported to you, has been variously interpreted; and it is difficult to hazard an opinion as to how far his absence of reserve in the Chamber may have contributed to that result. It is further not impossible that Baron Heeckeren's present activity in the Legislature may be inspired by the ambition to establish for himself an authoritative position as the champion of Holland's international rights, and thus to prepare the way for his own appointment to the post of Minister for Foreign Affairs in the remote future.

In conclusion I have the honour to report that in regard to the Shipping Tolls on the Rhine, M. de Swinderen said in his Memorandum of Reply that he was gratified to learn that the attitude adopted by the Government on this question had also met with the approval of the First Chamber. He therefore gladly availed himself of this opportunity, to repeat that the knowledge that they had the unequivocal support of both Houses of the Popular Representation strongly confirmed the Government in their conviction that the principle laid down in the Rhine Navigation Act, namely that of navigation unimpeded by dues, is alone compatible with the commercial interests of Rhine Navigation. Even though it be impossible to watch without misgiving that which was taking place beyond the frontier, yet, in his opinion, the high character of the Signatories utterly excluded the thought of their calling in question the inviolability of that international instrument.

I have, &c.

GEORGE W. BUCHANAN.

⁽⁴⁾ [Not reproduced. The despatch dealt with the alleged letter from the German Emperor to Queen Wilhelmina on the subject of the Netherland defences, and reported that the "De Standaard" denied the rumour that this letter had ever formed the subject of a conversation between the Queen and Dr. Kuyper. (F.O. 371/463. 40889/37557/08/18.)]

⁽⁵⁾ [*v. supra*, pp. 649-51, No. 558.]

MINUTES.

M. de Swinderen's reply to Baron Heeckeren was dignified and should be convincing. An Anglo-German pledge to guarantee Dutch integrity or neutrality would be going far beyond the scope of the North Sea Declaration.

C. W. O.

As might have been expected the Netherland Government have no intention whatever of asking for a guarantee of integrity.

W. L.

C. H.

E. G.

No. 562.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/939.

5126/4704/10/29.

(No. 14.)

The Hague, D. February 11, 1910.

Sir,

R. February 14, 1910.

With reference to my despatch No. 12,⁽¹⁾ Confidential of the 7th of this month, giving the substance of the Memorandum, in which the Minister for Foreign Affairs replied to the Report of the Sections of the First Chamber on the Foreign Office Estimates, I have the honour to state that in a debate, which took place in that Chamber on the 9th instant, Baron van Heeckeren once more interpellated His Excellency on the subject of the North Sea Convention and insisted on the necessity of supplementing it by an Anglo-German guarantee of the integrity and neutrality of the Netherlands. Baron van Heeckeren again referred to the grave measures, which had been threatened a few years ago, in view of the possibility of a war with England, and complained of the secrecy that was maintained by the Government on all matters of Foreign Policy.

In the course of his reply the Minister for Foreign Affairs said that it was unnecessary for him to make any further statement on the subject of the North Sea Convention, as he had already fully explained the Government's attitude with regard to that instrument. The question, moreover, which had been addressed to him, was couched in such vague terms that it was impossible to reply to it satisfactorily. He was, however, prepared to return a straightforward answer to any straightforward question, that Baron van Heeckeren might put to him on the subject. As regarded the secrecy, in which the Government was accused of shrouding its diplomatic proceedings, he would only say that, if all that had passed at the time, when the Baron was accredited to the Scandinavian Courts, had been made public, his prestige as a diplomatist might have suffered.

This last remark so incensed Baron van Heeckeren that he at once rose from his seat and, in a voice trembling with anger, exclaimed that, if his prestige had suffered, it was entirely due to a letter, which had been written by a certain person in Holland to The Queen of Sweden. He added that he was prepared to give the name of this person in a Secret Sitting. The above statement which, as is evident from Sir Cecil Spring Rice's Despatch No. 159 of November 1 of last year,⁽²⁾ was directed against The Queen Mother, caused an immense sensation in the Chamber, and a proposal to hold a Secret Sitting was eventually carried.

When the public Sitting was resumed later in the afternoon, Baron van Heeckeren once more intervened in the Debate and called attention to a certain letter, which had been written a few years ago by a neighbouring Sovereign, warning The Queen that, unless the Dutch Ports were put into a proper state of defence against England,

⁽¹⁾ [v. immediately preceding document.]⁽²⁾ [Not reproduced, as its tenour is sufficiently indicated.]

He would be obliged to occupy the country. Baron van Heeckeren even said that he had himself been consulted on the subject of this Letter. To this Monsieur van Swinderen replied that there was no record of any such consultation in the archives of the Ministry for Foreign Affairs and that, unless the question was addressed to him in more precise terms, he must decline to answer it.

When the House met yesterday morning the somewhat unusual course was adopted of having the stenographic report of the Speeches, which had been delivered during the Secret Sitting on the previous day, read aloud by one of the Clerks of the Chamber. In some of these the fear was expressed that the holding of the Secret Sitting might have the effect of making people believe that the alleged letter really existed. In others the Government was censured for having accepted the North Sea Convention, which had no real value for the Netherlands, as a sop to appease their grievances against Germany. The question of the proposed Rhine Tolls was also cited to illustrate the kind of pressure, which Germany is constantly trying to exercise over this country; and the Dutch were told that they must present the same united front, as the English had at the time of the German Emperor's letter to Lord Tweedmouth, and show that they would not tolerate any intervention in their internal affairs. Finally Baron van Heeckeren stated that the threatened measures, to which he had referred, were announced in a letter written by the Emperor William to Queen Wilhelmina.

As soon as the reading of the Stenographic Report had been concluded, the Minister for Foreign Affairs rose and said that, as the German Emperor had now for the first time been openly mentioned by name as the writer of the alleged Letter to The Queen, he was also for the first time in a position to give a categorical answer to Baron van Heeckeren's question. His Excellency then proceeded to speak as follows:—

“Realizing to the full the weight of my words and fully conscious of my ministerial responsibility, I have the honour to announce to the Chamber:—

“That Her Majesty the Queen has never on any occasion whatsoever received from the German Emperor either a letter, or a telegram, or a Memorandum, or any written communication of any sort or kind, regarding the defence of our country in general, or regarding any question therewith connected;

“that the matter has never been broached in a conversation between the Queen and the German Emperor;

“that the Queen has never been approached by a third person instructed by the Emperor to discuss the matter with her in the way suggested by Monsieur de Heeckeren.

“I note with great satisfaction the uninterrupted friendly relations which have existed and still exist between the Netherlands and their mighty neighbour; and on this occasion the Government consider it important to be able to express the veneration and respect and deeprooted affection which they feel towards the German Emperor whose sincere affection for the Netherlands has so often been displayed in such an unequivocal manner.”

Baron van Heeckeren was not in the House, when Monsieur van Swinderen made the above statement, so was unable to reply to His Excellency or to explain how he could have been consulted on the subject of a letter which, it is now officially declared, never existed except in his imagination. Another Deputy, however, General van Löben Sels enquired how it was that, if there had been no threat of foreign intervention, secret measures had been taken at the Helder in 1904 and that orders had been given for the secret mobilisation of the entire garrison. Referring to the applause which had greeted Monsieur van Swinderen's remarks about the German Emperor, the General impressed on the Government the necessity of abstaining from doing or saying anything that would give the impression that their sympathies were all on the side of their Eastern neighbour.

The House adjourned without any reply having been vouchsafed to this question; and it remains to be seen whether Baron van Heeckeren and his friends will accept unreservedly the Ministerial statement or whether they will offer further explanations in justification of their action. Monsieur van Swinder[e]n saw The Queen yesterday morning before proceeding to the Chamber and would not have spoken as he did without Her Majesty's express sanction. The terms, in which he denied that the Emperor had ever threatened Her Majesty with a German occupation, are so explicit, that it is impossible to question their good faith; but on the other hand, some people still find it difficult to believe that Baron van Heeckeren can have invented the whole story and that a warning of some sort was not conveyed to the Netherland Government through some indirect channel by order of the German Emperor.

I have, &c.

GEORGE W. BUCHANAN.

No. 563.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/939.

5210/4704/10/29.

(No. 16.)

Sir,

The Hague, D. February 12, 1910.

R. February 14, 1910.

The Minister for Foreign Affairs sent for me this afternoon and said that he wished to speak to me on the subject of the statement, that he had made in the First Chamber two days ago, of which I had the honour to forward a translation in my despatch No. 14⁽¹⁾ of yesterday's date.

M. van Swinderen then proceeded to say that for several years past a story had been going about to the effect that the Emperor William had written a letter to the Queen threatening Her Majesty with a German occupation of the Netherland ports, if they were not put in a proper state of defence against England. This story had been circulated by the press and spoken of by the man in the street; but it had never before been put forward in a shape that rendered it advisable for the Government to take official notice of it. Now, however, that it had been made the subject of an interpellation in the First Chamber the case was different, and His Excellency had gladly availed himself of the opportunity to state in the clearest possible terms that there was not a word of truth in it. He had, however, declined to do so until the question had been put to him in a clear and precise form; and he had purposely used somewhat provocative language, in order to force Baron van Heeckeren to mention the Emperor William by name. This the Baron had done for the first time in the Secret Sitting held on Wednesday morning; but it was only when the report of that sitting had been read aloud in the Chamber on the following day, that His Excellency had been able to take up the challenge and to meet the question addressed to him with an emphatic denial. He considered that the accusation brought by Baron van Heeckeren against a friendly Sovereign was so outrageous, that he had felt that some reparation was due to the Emperor William and he had consequently accompanied his statement by an expression of the sentiments of respect and affection by which the Netherland Government were animated towards His Majesty. He was most anxious that I should understand the reasons which had prompted him to use this language, as he would deeply regret were I to imagine that he was veering towards Germany or that he was contemplating a departure from the policy of the strictest neutrality which, as he had so often assured me, it was his intention to observe. He had in the course of our conversations sometimes expressed sentiments, which could certainly not be

⁽¹⁾ [v. immediately preceding document.]

described as Germanophil, and he trusted that I would not impute insincerity to him on account of the words which he had now used in speaking of the German Emperor.

I thanked His Excellency for this friendly explanation and said that I did not think that you, Sir, were likely to take exception to his language. I, personally, perfectly understood his motive and thought that it was politic, on his part, to have spoken as he did, in view of the attitude which he might have to adopt towards Germany on the question of the proposed Rhine Tolls. The only thing, which I did not understand, was how Baron van Heeckeren could have imagined that he had been consulted on the subject of a letter which, it was now proved, had never existed.

Baron van Heeckeren⁽²⁾ had now announced his intention of presenting a written defence of his action to the First Chamber and it was rumoured that he intended changing his ground and asserting that the Emperor's alleged letter had been addressed to the Queen Mother. Should he do so, His Excellency would at once formally deny the truth of this assertion. Speaking next of the manner in which certain organs of the French Press had treated this incident, M. van Swinderen said that a regular campaign was being carried on in this country by the agents of the Creusot Factory against Krupp and that the Netherland Government were represented as having, on the occasion of the Emperor William's last visit to Amsterdam, handed His Majesty an order for the material required for their coast defences in return for the gift of the North Sea Convention, which His Majesty had brought them.

On my referring to the question which General van Löben Sels had addressed to His Excellency in the Chamber on the subject of a secret mobilisation at the Helder in 1904, M. van Swinderen explained that, immediately after the outbreak of the Russo-Japanese war, orders were given for certain precautionary measures to be taken in the Coastal districts for the purpose of guarding against the possibility of any violation of the neutrality of the Netherlands by the Russian Fleet.

I may mention that M. van Swinderen has given my French Colleague similar assurances with regard to the sentiments which he expressed towards the German Emperor.

I have, &c.

GEORGE W. BUCHANAN.

MINUTE.

I have had a similar communication from the Netherlands Minister to-day which I have recorded.⁽³⁾

E. G.

15:2:10.

⁽²⁾ [A few words of a purely personal character are here omitted.]

⁽³⁾ [v. immediately succeeding document.]

No. 564.

Sir Edward Grey to Sir G. Buchanan.

F.O. 371/939.

5210/4704/10/29.

(No. 12.)

Sir,

Foreign Office, February 15, 1910.

The Netherlands Minister asked for an interview with me to-day, and explained that the expressions of sympathy with and friendship for the German Emperor that had been made in the Dutch Parliament were not intended to imply that the corresponding feeling of sympathy with and friendship for England was in any way diminished. The occasion for these expressions had been an attack in the German Parliament upon the German Emperor for having threatened Holland. No threat of this kind had ever been made, and, as a matter of fact the Emperor had, on the

contrary, frequently shewn a very sympathetic and friendly spirit. The Minister left with me the accompanying paper, and requested that it should be considered simply as a confidential and verbal communication, as he had not been instructed to leave it with me.

I thanked him for the communication, and told him that I had been long enough in Parliament to understand entirely the position in which the Minister in the Dutch Parliament had been placed. The German Emperor had been attacked, and the Minister had realised that unless the attack was repelled and counter-balanced by sympathetic expressions relations between Germany and the Netherlands would be impaired. The Minister now wished it to be understood that this was the real explanation of the words he had used, and that they were intended to keep the balance, and not to be interpreted as a declaration of one-sided friendship. We ourselves had no wish whatever to see relations between the Netherlands and Germany impaired, and I hoped that our own relations with Germany would continue to be such that the Netherlands might be on good terms with both of us. Therefore I did not grudge in the least the desire of the Netherlands Government to preserve good relations with Germany. At the same time, I set value on our good relations with the Netherlands and I wished them to be preserved, so I asked the Netherlands Minister to thank his Government for their communication, and to say that the feeling expressed in it met with a ready response on our part.

[I am, &c.]
E. G[REY].

Enclosure in No. 564.

M. van Swinderen to Baron Gericke.

Communicated by Baron Gericke.

In order to prevent the possibility of a more or less inexact interpretation being given of the words of sympathy spoken by me in the said declaration with regard to Germany and the German Emperor, I have the honour to request you to apply, without delay, to Sir Edward Grey for the favour of a personal interview, and, while explaining the circumstances which led to this declaration, to give to His Excellency the explicit assurance that no further meaning is to be attached to these expressions of sympathy than that of fully justified expressions of regret on account of the suspicions to which, to my sorrow, the German Sovereign has been exposed in this country, and especially that they, in no way undervalue or diminish the no less sincere feelings of sympathy with which the Netherland nation and Her Majesty's Government are, to as great an extent, inspired for England, Her Sovereign, and His Majesty's Government.

MINUTE BY KING EDWARD.

App[rove]d.—E.R.

No. 565.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/939.
5761/4704/10/29.
(No. 18.)
Sir,

*The Hague, D. February 16, 1910.
R. February 18, 1910.*

With reference to my despatch No. 16 of the 12th instant⁽¹⁾ and to previous correspondence relative to the letter, which the German Emperor is alleged to have

⁽¹⁾ [v. *supra*, pp. 659-60, No. 563.]

written to Queen Wilhelmina on the subject of the defences of the Dutch Ports, I have the honour to report that Baron van Heeckeren has now addressed a note to the First Chamber, justifying the action which he has taken in this matter.

After protesting against the statement, made by the Minister for Foreign Affairs, to the effect that he had obtained his information from unreliable sources, Baron van Heeckeren proceeds to say :—

“ The event, to which I referred was told me at the time by the then Prime Minister (Dr. Kuyper), with whom I, not only once, but repeatedly exchanged views; and I was not the only person, who was spoken to on the subject, for the matter was told to other persons of high standing, Ministers, Ministers of State and Members of the Chamber. From this I draw the following conclusions :—

“ 1. That I could consider what I had been told to be a fact.

“ 2. That this fact had not been kept so secret that it could have been unknown to the present Minister for Foreign Affairs, just as little as it is not unknown to some of his colleagues.”

There was, therefore, Baron van Heeckeren declared, good ground for his believing the report, but, as even Ministers' declarations sometimes contain what is untrue, he had perhaps acted rashly in doing so. Had Monsieur van Swinderen, however, seen fit to treat the question in a proper manner, or had he even consented to discuss it in a secret sitting a good deal of unpleasantness might have been avoided.

Baron van Heeckeren thus throws all the responsibility for the story about the Emperor's letter on the late Prime Minister, and it will be interesting to see what action Dr. Kuyper will take to clear himself of the charge now brought against him. That he will deny ever having spoken to Baron van Heeckeren on the subject seems certain from an article, published by him yesterday in his official organ the “ Standaard.” After referring to the statement recently made by Monsieur van Swinderen in the First Chamber and after explaining that it was to the Morocco crisis of 1905 and not to the period immediately following the outbreak of the Japanese war in 1904 that the story had reference, the Article concludes by stating that there was not a word of truth in the report that, during the crisis in which a European war was threatened, the Kaiser had meddled in the affairs of the Netherlands and that this irresponsible rumour had to be got rid of.

Commenting on the above article the “ Nieuwe Courant ” remarks that, if Baron van Heeckeren, as it is impossible to doubt, is speaking the truth, the “ Standaard ” admits that Dr. Kuyper told him a falsehood at the time in question and that therefore a further explanation is required from the latter.

The above contradictory statements do not help to remove the mystery, that surrounded the genesis of the story respecting the Emperor William's alleged letter. Personally I cannot see how it is possible to question the truth of the complete and categorical démenti so solemnly given by Monsieur van Swinderen. There are still, however, one or two of my colleagues, who believe that a letter of friendly advice, on the subject of the national defences, was written by the Emperor to Queen Wilhelmina, but without containing any threat of a German occupation. Some people, on the other hand, think it possible that a serious warning may at some time or other have been conveyed to the Netherland Government through a diplomatic channel, and this may have led to the report of an intervention of the Emperor William. Further light may eventually be thrown on the matter when Dr. Kuyper has replied to Baron van Heeckeren's latest statement, while, should he formally deny ever having spoken to that gentleman on the subject of the Emperor's letter, it will be open to Baron van Heeckeren to appeal to the Ministers and Ministers of State, who, as he alleges, are cognizant of the existence of the letter, to verify the truth of his assertion that it was Dr. Kuyper who originated the whole story.

I have, &c.

GEORGE W. BUCHANAN.

MINUTES.

We have good grounds for believing the story to be substantially true.

R. H. C.

It is at least difficult to believe that something did not pass which created at the time the impression that the German Gov[ernmen]t would see with displeasure any weakening of Holland's sea-defences.

E. A. C.
Feb[ruary] 18.
W. L.
C. H.
E. G.

No. 566.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/939.

6939/4704/10/29.

(No. 22.) Confidential.

The Hague, D. February 24, 1910.

Sir,

R. February 28, 1910.

In the course of a conversation, which I had with the Minister for Foreign Affairs a few days ago, His Excellency referred to the note addressed by Baron van Heeckeren to the First Chamber, on which I had the honour to report in my despatch No. 18 of the 16th of this month,⁽¹⁾ and expressed surprise that his denial of the existence of the German Emperor's letter had not put an end to the incident. That denial had been given in words, which rendered it perfectly clear, so far as this could be done within constitutional limits, that he was speaking in the name of The Queen.⁽²⁾ He would, however, tell me confidentially that Her Majesty had honoured him with Her entire confidence and had allowed him to peruse all the Letters, which she had received from The Emperor William. He had thus been able to assure himself that there was not the slightest foundation for the charge, which Baron van Heeckeren had brought against His Majesty, as there was not a single word in any of these letters that could be quoted in support of it. Dr. Kuyper had, moreover, privately denied ever having spoken to Baron van Heeckeren about a letter from the German Emperor to The Queen and would, he believed, shortly publish an official statement to this effect.

On my observing that it was difficult to reconcile this denial with Baron van Heeckeren's positive statement that he had first heard of the story from Dr. Kuyper, Monsieur van Swinderen replied that it was quite possible that Baron van Heeckeren may, in 1904 or 1905, have talked with the then Prime Minister on the general political situation and on the possible danger of a breach of Dutch neutrality. Dr. Kuyper was at that time at the zenith of his power and conducted Foreign Affairs over the head of the Foreign Minister, whom he often left in the dark as to what was going on. In 1904 he had gone to Berlin and had seen Baron von Richthofen and other leading political personages. It was, therefore, more than probable that, in the course of his conversations with Baron van Heeckeren, with whom he was then on terms of intimacy, he may have expressed his personal views as to the dangers, to which the Netherlands might in certain eventualities be exposed, and that, though he may never have mentioned the German Emperor by name, he may have said enough to make it possible for a man, with Baron van Heeckeren's vivid imagination, to embroider the whole into a story of a definite warning addressed by His Majesty to The Queen.

I am inclined to believe that the above explanation is the correct one, as it is by no means impossible, although Monsieur van Swinderen did not hint at it, that,

(1) [v. immediately preceding document.]

(2) [v. *supra*, p. 658, No. 562.]

during his visit to Berlin, Dr. Kuyper may have received an intimation as to what might ensue should the Netherlands omit to place their ports in a proper state of defence against England. That the German Emperor actually wrote the letter, of which Baron van Heeckeren complains, seems incredible after what Mousieur van Swinderen has told me.

I have, &c.

GEORGE W. BUCHANAN.

MINUTES.

The M[inister for] F[oreign] A[ffair]s' explanation of the possible origin of the letter story seems plausible.

C. W. O.

On that hypothesis, Germany did convey in some form the warning as to the influence which a neglect of the Dutch sea-defences might have on Germany's policy.

E. A. C.

Feb[ruary] 28.

Or rather Baron v[an] Heeckeren *interpreted* Dr. Kuyper's words as meaning that.

W. L.

C. H.

E. G.

No. 567.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/939.

24173/4704/10/29.

(No. 89.)

The Hague, D. July 4, 1910.

Sir,

R. July 5, 1910.

The sitting of the First Chamber of the States General which was held on the 1st instant was enlivened by a heated debate on the "Heeckeren affair." The affair in question, relating to the alleged letter from the German Emperor in 1904 ordering Holland to put her coast fortresses into a proper state of defence, has been through several further stages of development since I last had the honour to report on it in my despatch No. 22 Confidential of the 24th February last.⁽¹⁾

On March 15th, in consequence of a conversation with the Minister for Foreign Affairs, Dr. Kuyper, who was Prime Minister in 1904 and whom Baron Heeckeren quoted as the source of the information which he possessed, published an official denial of the whole affair, and declared that he had never spoken to Baron Heeckeren in regard to the matter in question. Three days later, however, another article was published by Dr. Kuyper in his organ "de Standaard" explaining away and almost retracting his previous denial. About the same time an anonymous article appeared in the press from the pen of a "former Minister and former member of the Chamber" declaring that Baron Heeckeren's story was perfectly true and that the Minister for Foreign Affairs was aware of it when he had denied it. The matter was further discussed in the Press and on May 12th Baron Heeckeren presented another note to the First Chamber recapitulating his previous story and stating that he could only submit his proofs to the Chamber in a secret sitting and that knowing this, the Minister for Foreign Affairs had opposed the idea of a Secret sitting.

The Minister for Foreign Affairs was officially informed of this note and on the 1st instant His Excellency made a speech reaffirming the denial he had made on the 10th February (see my despatch No. 14 of February 11)⁽²⁾ and declaring that the then Prime Minister (Dr. Kuyper) entirely vouched for the truth of that statement. Baron

⁽¹⁾ [*v.* immediately preceding document.]

⁽²⁾ [*v. supra*, pp. 557-9, No. 562.]

Heeckeren declared that the Minister was not speaking the truth; he adhered to every word of his story which he assured the House he could prove to be true if they would close the doors.

A proposal to continue the discussion at another sitting was then thrown out by 26 votes to 19 and another declaring the Chamber satisfied with the statement of the Minister for Foreign Affairs accepted by a majority of eleven. In the division, the entire left of the House supported the Minister, whereas the Anti-Revolutionaries, the party upon whose support the present Government depend, voted against the Minister and the Roman Catholic vote was divided.

Another fact which is worth recording is that the leading organs of the press, which at first highly condemned Baron Heeckeren's attitude are now inclined to believe that the story contains some truth and that the Minister for Foreign Affairs is aware of this.

That something in the nature of what is recorded actually occurred in 1904 it is impossible to doubt; the affair has, however, now become a personal matter between Baron Heeckeren and the Minister for Foreign Affairs with little importance for the outside world.

I have, &c.

GEORGE W. BUCHANAN.

No. 568.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/940.

29596/29596/10/29.

(No. 110.)

Sir,

The Hague, D. August 13, 1910.

R. August 15, 1910.

Referring to my Despatch No. 168 of October 8, 1909,⁽¹⁾ I have the honour to transmit, herewith, translation of a Bill.⁽²⁾ which was published on the 26th ultimo, for the establishment of a Fund for the improvement of the Coast Defences of the Netherlands. The object of the measure as stated in the Preamble is to supplement the material of the Naval Force destined for the defence of the sea approaches and to amplify and improve the coast fortifications, in order to increase the defensibility to ensure the forcible refusal to either possible belligerent of the seizure or use of Dutch ports or waters.

According to the Explanatory Memorandum attached to the Bill, Précis of which I have the honour to enclose,⁽²⁾ the question of the revision of the system of coast defences engaged the attention of a Royal Commission appointed in June 1903. The Report of this Commission was communicated to members of the States General in September 1904 but it was not given to the public. The Government propose to carry out the improvement of the Coast Defences upon the basis of the recommendations of the Commission, subject to various deviations therefrom, rendered necessary by the changes which the conditions have undergone since the date of the Report. Foremost among these deviations is the decision to give priority to the construction of the projected Fort near Flushing.

The urgency of the question of the maritime coast defences (i.e. the coast-defences on the side of the sea) is demonstrated, in the opinion of the Government, firstly by the progress made by scientific invention in the attacking power which a hostile fleet would possess when operating against the Dutch coast, as compared with the powers of offence in existence at the time when the coast fortifications were

⁽¹⁾ [*v. supra*, pp. 649-51, No. 558.]

⁽²⁾ [Not reproduced.]

constructed; and secondly by the growing conviction that the Dutch maritime boundaries may some day be exposed to a sudden "coup de main," either simultaneously with or immediately following a formal declaration of war.

The present project embraces both work on the mainland and, in a minor degree, naval construction, and the estuaries and harbours, etc. which are included in the scope of the measure are principally the following:

1. The Texel sea-approaches
The harbour of Ymuiden
The approach to the Hook of Holland
as regards the strengthening of existing fortifications on their sea-front;
2. The fort of Kykduin, near The Helder, as regards the strengthening of the fort on the land-side;
3. The West-Scheldt (Flushing) as regards the construction of new works for the maintenance of neutrality in those waters; and
4. the Zuyder Zee, as also the points specified sub 1; their increased defensibility to be further secured by the new construction of 8 torpedo boats, 14 armoured ships; 2 submarines and the requisite mines for purposes of obstruction.

The actual cost of the work is estimated at 38,370,000 florins,⁽³⁾ of which 25,080,000 florins⁽⁴⁾ will be applied to defences on land and the remainder to naval construction. The work will be completed, according to present calculations, in eight years from its inception, while the financial transaction it involves will be spread over a period of twenty-two years. The total cost to the nation will amount to 44,621,000 florins,⁽⁵⁾ this excess over the figure mentioned above representing the payment of the interest on the money advanced to the Fund by the State. The Fund will be constituted as follows: During the period of construction (viz. 1911–1918) the annual expenditure on the work (approximately 4,800,000 florins)⁽⁶⁾ will, according to the terms of the Bill, be partly defrayed by means of an increase in the annual navy estimates, and partly by an annual advance to the Fund from the Treasury, the latter crediting itself with the interest on the advance. These advances from the Treasury will cease on the completion of the work in 1918, while the special provision in the Navy Vote will be continued from 1919 till 1932, being thenceforward (from 1919) exclusively applied to the amortisation of the Treasury advance, with arrears of interest, and to the payment of interest on the annually decreasing liability, in such a manner that the entire debt to the Treasury will be wiped out by the close of the last named year. The details of the scheme are clearly set forth in the accompanying tabular statement appended to the Bill.

It will be seen that in drawing up a fixed programme, whether capable or not of acceleration or expansion, extending over a definite term of years, and in thus rendering the question of their defences independent of the influence of internal political change, the Dutch have, within the modest limits of their ambition, taken a leaf from the book of their Eastern neighbours. The policy here laid down of devoting the major portion of the Fund to bricks and mortar in preference to shipbuilding has, however, provoked a public protest from Captain Cohen Stuart, ex-Minister of Marine. The bill is backed by both the Minister of Marine and the War Minister, the latter's Department being concerned in so far as certain defences are transferred from the naval to the military authorities. In view of the uncertainty as to whether the additional charge on the Navy Vote will be met from ordinary sources of revenue or

(3) [Unsigned marginal note: "£3,197,500."]

(4) [Unsigned marginal note: "£2,090,000."]

(5) [Unsigned marginal note: "£3,718,417."]

(6) [Unsigned marginal note: "£400,000."]

from the yield of the permanent measures of fiscal reform announced in the Speech from the Throne in September 1909, the introduction next month of the Budget for 1911 will be awaited with some interest.

I have, &c.

GEORGE W. BUCHANAN.

MINUTE.

The Dutch make no secret of the fact that their object is to defend their neutrality on the sea-side. This is clearly set out in the Memo[randum] attached to the Bill. What part Germany has played we shall probably never know, but the denials of Dr. Kuyper have not carried conviction.

W. L.
E. G.

No. 569.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/940.

31573/29596/10/29.

(No. 118.)

Sir,

The Hague, D. August 27, 1910.

R. August 30, 1910.

With reference to my despatch No. 110 of the 13th instant,⁽¹⁾ I have the honour to transmit, herewith, a Despatch which I have received from Lieutenant Colonel Bridges, Military Attaché, offering observations upon the international aspect of the measure for strengthening the coast defences of Holland and the military results which may ensue from its execution.

In the Explanatory Memorandum attached to the Bill it is stated that the obligation imposed upon Holland to defend her neutrality on the side of the sea has increased in prominence of recent years; and Colonel Bridges draws attention to the significance of this statement, and of the resultant decision to proceed forthwith to the fortification of Flushing. He points out that the policy now initiated may indicate either an awakening of Holland to her obligations as a neutral state, in which case it is to be expected that she will take corresponding steps for correcting the notoriously defective state of her Eastern defences; or it may signify a measure taken in deference to the wishes of Germany, and if that be so, and the eastern frontier is left in its present imperfect condition, the situation, if developed, contains seeds of danger to Holland, and grounds of concern to ourselves.

I have, &c.

GEORGE W. BUCHANAN.

Enclosure in No. 569.

Lieutenant-Colonel Bridges to Sir G. Buchanan.⁽²⁾

Sir,

Brussels, August 26, 1910.

I have the honour to forward herewith for the favour of transmission to the War Office, a copy of the Bill published on the 26th July last⁽³⁾ providing for a fund to be devoted to the coast defences of Holland.

The financial side of the Bill was fully dealt with in your No. 110 of 13 Aug[ust] 1910,⁽⁴⁾ the receipt of a copy of which I have the honour to acknowledge.

(1) [v. immediately preceding document.]

(2) [The original of this despatch was sent to the War Office. The text given above has been taken from a copy preserved in the Foreign Office archives.]

(3) [Not reproduced.]

(4) [v. immediately preceding document.]

As the matter appears to be of considerable military importance, I venture to offer a few further remarks on the subject.

The Bill results from the findings of a Commission appointed in June 1903 which reported in September 1904 and the report of which was revised by the Council of Defence last year.

The chief points of interest in the Bill are the following :

1. the Establishment of such a fund places the question of coast defence beyond the range of party politics.
2. The plan embraces both the sea and land fronts of coast works as well as war vessels, mines and their equipment.
3. Provision is made for the manning of coast batteries by naval personnel on the ground that the latter will give better results against ships. To this end the Militia Law is to be amended and will provide for an annual contingent of not exceeding 1000 men being allotted to the Naval Militia, a force liable for service [a]shore or afloat. This is done against the advice of the Council of Defence which finds that the army can better spare the necessary men and that cooperation between the forts and the Field Army will be facilitated if the former are under military control.
4. Stress is laid on the urgency of these matters.

The following is the work to be undertaken :—

1. The defence of the following places are to be strengthened and supplemented :—
 - the Texel sea approaches,
 - the harbour of Ymuiden,
 - the Hook of Holland sea approaches,
 - the Goeree sea approaches (by a work near the mouth of the harbour of Dirksland),
 - the Hollandsch Diep and the Volkerak,
 - the land front of Fort Kykduin (new guns and cupolas).
2. The following vessels are to be added to the Navy for the defence of the Vlie sea approaches and the Zuyder Zee :—
 - 8 sea-going torpedo boats,
 - 14 armoured vessels,
 - 2 submarines (for Ymuiden and the Hook),

as well as mines with the necessary magazines and appurtenances.
3. Finally, the mouth of the West Scheldt is to be defended by a fort in the vicinity of Flushing, the construction of which is to have priority over all other work. The reason given for this in the Explanatory Memorandum appended to the Bill is that the obligation for Holland to be always in a position to defend her neutrality on the sea side “has become more prominent in the last few years.” The Council of Defence considered that, owing to the breadth of the channel (about 4500 y[ar]ds at Flushing) and the prevalence of fogs, one work on the Island of Walcheren was not enough but that a second should be erected on the left bank of the river. The Government however, followed the minority of 2 who voted for one fort.

This third project has considerable international importance as hitherto there have been no defences on the Lower Scheldt that are worthy of the name and the last 30 miles of that river flow through Dutch territory. Belgium on her part is engaged in bringing her defences up to date on either bank of the river a few miles beyond the border.

The obligation to defend the mouth of the Scheldt has at intervals been acknowledged by the Dutch government and, as far back as 1892, plans were produced by the War Minister for an efficient work at Ter Neuzen, but nothing was done.

In view of the "entente" between Holland and Belgium, it would seem that the Scheldt would now become common property to the two countries and be under joint control, and [sic] arrangement that would answer admirably so long as the interests of the two countries coincided, though the question of right of passage in war would still remain unsolved.

If these new defensive measures herald an awakening of Holland to her responsibilities as a neutral state, it must be a matter for congratulation, for a strong Holland is an acknowledged necessity to the balance of power on the continent. We should then expect to see her pay at least equal attention to the maintenance of her protective measures towards the East where the greater danger threatens and where her defences are justly considered to be insufficient to stem the tide of invasion.

The Dutch press however, is inclined to connect the new Bill with the "German letter incident" and leads us to infer that this fresh impulse towards coast defence emanated from Berlin. Should this be the case, the situation contains seeds of grave danger to Holland and any further development in the direction of strengthening the coast to the detriment of the land defences cannot but be regarded with concern by ourselves.

Should Germany be in a position to dictate Dutch policy in war as well as in peace, the forts at the mouth of the Scheldt would be invaluable to her and would enable her to utilize for herself or deny to others the acknowledged strategic advantages of Antwerp in a European conflict.

The introduction of the Bill to the States General may produce an interesting debate.

I have, &c.

[T.] BRIDGES, *Lieut[enant] Col[onel]*,
Military Attaché.

No. 570.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/940.
36024/29596/10/29.
(No. 132.)
Sir,

The Hague, D. October 3, 1910.
R. October 5, 1910.

The Fund for the strengthening of the coast defences is I understand to be formed, according to the present intentions of the Government by a sum to be advanced by a banking firm at Amsterdam subject to the guarantee of the Bank of the Netherlands. The measures which the Government proposes to take, have, however, met with considerable opposition among the Liberal groups in the Chamber both on economic grounds and on the ground that it is inadvisable for Holland to move in the orbit of Germany to the extent of taking defensive measures against England.⁽¹⁾ These objections are not entertained by the official Opposition alone and in some quarters doubts have even been expressed as to whether the Government would be disposed to stake their existence upon a measure the framing of which may be said to have only served to confirm the suspicion which their official spokesmen have been so loud in repudiating.

On my alluding to the subject in the course of a conversation which I had with the Minister for Foreign Affairs this morning, His Excellency observed that considerable

⁽¹⁾ [Marginal note: "See my despatch No. 118 of Aug[ust] 27, 1910." v. immediately preceding document.]

criticism had been levied against the Government Defence Scheme on technical grounds. Objection had, for example, been taken to the fact that the defences of the Ports were to be confided to the Navy and that the Army was not to be associated with the sister Service in some combined defensive action. The gentlemen, who posed as Experts on this question, were, however, politicians before anything else and their main object was to drive as many nails as possible into the Government's coffin. I enquired whether, in view of this opposition, the Government contemplated withdrawing any of their proposals; and Monsieur van Swinderen, in reply, gave me to understand that they would not yield on any of the cardinal points of their Bill and that they would even make it a Cabinet question.

I have, &c.

GEORGE W. BUCHANAN.

No. 571.

Sir G. Buchanan to Sir Edward Grey.

F.O. 371/940.

38578/38578/10/29.

(No. 143.) Confidential.

Sir,

The Hague, D. October 20, 1910.

R. October 24, 1910.

I called on the Minister for Foreign Affairs yesterday to take my official leave of His Excellency before presenting my Letter of Recall to The Queen to-morrow, and enquired, in the course of our conversation, whether any progress was being made with the negotiations for the resumption of diplomatic relations with Venezuela. Monsieur van Swinderen replied that he had in April last submitted a Draft Convention to the Venezuelan Government, to which he had attached the condition of the payment of a lump sum to Monsieur Thielen, a Netherlands Subject, who had suffered serious losses in the course of the revolutionary outbreak and that he was still awaiting the reply of the Venezuelan Government, which might arrive any day.

Monsieur van Swinderen then proceeded to speak, of his own accord, of the international position of the Netherlands. He wished, he said, to assure me once more before I left that the policy of the Netherland Government was one of absolute neutrality and that it was a pure invention to imagine that they were in any way subject to German influence. All the reports that had been spread at various times to the effect that they were acting under German pressure were without the slightest foundation. He could give me his word of honour that Germany had never attempted, either directly or indirectly, to dictate any line of policy to the Netherland Government. It was but natural that the German General Staff should take account of the state of the Coast defences and that the views, which they held respecting the inadequate character of those defences, should be known to his Government. It was, His Excellency continued, a matter of common knowledge that the coast defences of the Netherlands were worthless and, in taking measures to render them really effective, the Government had only acted for the best interests of the country, without being in the least influenced by the wishes of Germany. The defences, which were about to be constructed, were not directed against any Power or against any group of Powers. Alliances and Ententes were not necessarily everlasting and in another twenty years there might be an entirely different grouping of the States of Europe; and England, for example, might be confronted with a French or a Russian, instead of a German danger. He very much regretted that certain organs of the Press in France had thrown doubts on the sincerity of the Netherland professions of neutrality, on the ground that the Netherland Government would not declare beforehand the measures, which they intended to take on the outbreak of a European war. In order to satisfy them it would be necessary for the Netherlands to commit an

anticipated breach of neutrality by engaging to side with the Powers of the Triple Entente. It was, His Excellency remarked, ridiculous to expect that the Netherland General Staff should disclose the plans it might have formed to secure the neutrality of their country in the event of war, and it was all the more so as the character of the measures which would then have to be taken, must necessarily depend to a considerable extent on the nature of the war itself and on the circumstances, under which it broke out. If personal feelings could be allowed to play a dominant part in foreign politics, he could assure me that all his sympathies were on the side of England; but it was the paramount duty of the Government to avoid doing anything, either by word or deed, that might tend to drag the country into a European war, should it unfortunately break out, and with this object in view, they were determined to place the defences of the Netherlands in such a state that their neutrality might be defended against all comers.

As regarded the question of a close understanding with Belgium, Monsieur van Swinderen said that the Netherlands would never consent to anything in the shape of a political or military entente. . . .⁽¹⁾ The relations between the two countries were now, he was glad to say, of a very friendly character, but the Government had no intention of going a step further by entertaining the idea of an eventual alliance. Nor did he believe that it would be politic for them to do so.

I thanked His Excellency for his frank and friendly statement, which I said I would not fail to report to His Majesty's Government. I personally thought that the policy, which His Excellency had sketched, was a wise one and that, though, as regarded the question of a closer understanding with Belgium, circumstances might arise, under which it would be to the interest of the two countries to join hands, it was perhaps more prudent not to anticipate such an eventuality by concerting common measures of defence beforehand, which might possibly serve to provoke the very danger which both were so anxious to guard against.

I have, &c.

GEORGE W. BUCHANAN.

MINUTES.

There can I think be no doubt, in spite of M. van Swinderen's statement, that Germany did exercise pressure directly or indirectly in this matter.

That she did not "dictate a line of policy to the Netherland Gov[ernmen]t" is probably quite true but there are other means of making your wishes known.

M. van Swinderen seems to me to protest too much.

E. D.

24.10.10.

He gives himself away by stating that the view entertained by the German General Staff as to the inadequacy of the Dutch sea defences were [*sic*] known to the Dutch Gov[ernmen]t before the latter decided to strengthen those defences.

But the general line of policy outlined by M. van Swinderen is correct and undoubtedly in accordance with Holland's best interests. We have no cause to quarrel with the Dutch Gov[ernmen]t about this.

Qu[ery]. Approve Sir G. Buchanan's language.

E. A. C.

Oct[ober] 24.

W. L.

A. N.

E. G.

(1) [A few words of a personal character are here omitted.]

Sir A. Hardinge to Sir Edward Grey.

F.O. 371/940.

38607/38607/10/29.

(No. 126.) Confidential.

Sir,

Brussels, D. October 21, 1910.

R. October 24, 1910.

A brief visit paid quite unofficially to Brussels this week by the Prince of the Netherlands, who was King Albert's guest at Laeken and who came ostensibly to see the Exhibition, has revived public interest here in the relations between Belgium and Holland, and I have the honour to enclose, as representing, I think, the views of the average sensible moderate Belgian, a leader on the subject which appeared on the 19th instant in the "Indépendance Belge."⁽¹⁾

I asked M. Davignon to-day, premising that I did so quite privately and as a mere matter of personal curiosity if he had any official information from The Hague respecting the new fortifications on the Dutch coast and on the Dutch banks of the Scheldt, to which this article and others in the Belgian press referred.

His Excellency said that he had received from the Belgian Legation in Holland a report that a Bill was about to be laid before the States General for fortifying the coast defences of the Netherlands and rearming, in accordance with modern requirements, the old forts near the mouth of the Scheldt, that the Dutch Government were proceeding in a very mysterious and secret manner in the matter, the text of their Bill not having so far been communicated to the President of either Chamber, and that he understood that in accordance with a provision in the Dutch Constitution, to which no parallel existed in that of Belgium, the Parliamentary deliberations on the measure were to be secret. This was all His Excellency knew on the subject, which did not seem greatly to preoccupy him, but he said he had talked about it casually to several Dutch private Members of Parliament whom he had come across here, and who had expressed considerable doubts as to the Bill's becoming Law. He thought it a matter of interest to Holland's neighbours and one which should be watched, but he observed that the political relations between Belgium and Holland were very cordial, though the unfortunate article in the *XX^me Siècle*, a copy of which I sent to you in my despatch No. 108 of the 20th ultimo,⁽²⁾ had called forth some rather angry rejoinders in the Dutch Press, and he led me to infer, without saying so in so many words, that the visit of the Prince of the Netherlands, who had been very courteous and pleasant here, had had, at least for one of its objects, the removal of any unpleasant impressions which these newspaper controversies might have produced upon the public opinion of this country. The subject of these Dutch fortifications, and of the policy which they appear to suggest, is obviously one which it is better not to discuss at present here, in all its possible ulterior aspects or in its bearing on the so-called "Van Heckeren revelations," and the Belgian Press has, on the whole, been remarkably discreet with regard to it.

I have, &c.

ARTHUR H. HARDINGE.

⁽¹⁾ [Not reproduced.]

⁽²⁾ [Not reproduced. The despatch reported the visit to Amsterdam of the King and Queen of the Belgians. The article from the *XX^me Siècle* referred to above commented on the attitude of the Netherlands towards Belgium. (F.O. 371/830, 34706/34706/10/4.)]

Lord Acton to Sir Edward Grey.

F.O. 371/940.

40411/29596/10/29.

(No. 152.) Confidential.

Sir,

The Hague, D. November 2, 1910.

R. November 7, 1910.

With reference to Sir George Buchanan's despatch No. 132 of the 3rd ultimo,⁽¹⁾ I have the honour to report that opposition to the Government's Coast Defence Bill is becoming daily more pronounced. The papers publish long articles containing outspoken criticisms of the scheme, and the explanation put forward by the Government's supporters that the defences are not directed against any one country in particular has hitherto failed to satisfy those who look upon the Bill as a direct affront to England. The opposition party in the Chamber demand that the Report of the Commission of 1903, whose recommendations have apparently convinced the Government of the need of drawing up the Bill in question, should be published in order to satisfy the public that the considerable financial sacrifice which they are called upon to make is in the true interests of the country. The Government are unwilling to publish this report but they have consented to issue a further memorandum containing details in regard to it.

On the 30th ultimo, meetings of the Social Democratic Labour Party were held in eight different parts of the country protesting against the Bill, and a resolution was adopted, in most cases unanimously, calling upon the Chamber to throw out the Bill both on economic grounds and for the reason that it provides a source of danger to the country, as having been brought forward, in their opinion, at the instigation of Germany, and being likely to cause offence to England.

Opposition is also to be expected from a section of the Roman Catholic Party in the Chamber. At a meeting recently held at Nymegen, the Roman Catholic Electors Union adopted by a large majority a resolution to request the Chamber to throw out the Bill, the need for which was not apparent.

Monsieur van Idsinga, an influential supporter of the Ministry in the Chamber who defended in Parliament the Government's decision not to publish the Commission's report attempted recently in conversation to show that the new fortifications were just as likely to be used against Germany as against England for, in his opinion, the waterline of defence which would cover Amsterdam was sufficient to keep the Germans back, the present arrangements for flooding part of the country from the Zuiderzee to the River Waal being adequate and independent of wind or tide. He thought therefore that the Germans would find it easier to transport troops by sea and to land them on the coast; and the present coast defences were, he declared, not strong enough to prevent this. The Germans could also, he admitted, strike at the heart of the country by moving troops through Belgian territory. Some sort of agreement with England for mutual defence appeared to him to be a means by which a German attack on Holland might be warded off, but there were people in the Netherlands who would never consent to such an agreement.

On my enquiring of M. van Idsinga on what grounds he supposed that the Government scheme excluded from its scope the strengthening of the frontier fortresses on the East which are known to be practically dismantled, he replied that this was done advisedly in order to allay German suspicions and to leave Germany under the delusion that the efficiency of the Eastern line being a negligible quantity, an invasion would present no great difficulties; whereas the secret expedient for turning back an invasion consists in reality in the present scheme for flooding the country, which is of recent elaboration and is referred to above. I asked my informant, further, whether if the present Government project is not directed against England, it did not appear to him somewhat ominous that the Government bill, which is admittedly based on the

⁽¹⁾ [*v. supra*, pp. 669-70, No. 570.]

recommendations of the Commission of 1903, should have departed in one essential particular from the Commission's Report by providing that priority shall be given to the work of fortifying Flushing, a position which is not generally associated with the German peril. M. van Idsinga observed in reply that this alteration in the chronological order of construction had been made he believed on purely technical grounds. I may explain that the deputy in question is a genuine friend of England, and that his feelings remained openly Anglophile throughout the period of the South African war.

The French Chargé d'Affaires often refers in conversation with me to this question and although it will be remembered from Sir G. Buchanan's Despatch No. 168 of October 8. 1909⁽²⁾ that this diplomatist is disposed to be over-suspicious of Holland's position in regard to Germany and perhaps overzealous in discovering traces of Dutch-German intrigue, his observations on the subject are worthy of attention. Monsieur Delvincourt has frequently expressed the opinion to me that Germany is aware that the French line of the Vosges is now absolutely impregnable to a German attack, and that an entry into France would therefore have to be effected through Belgium, in which case it will be imperative for Germany to be assured of the defensibility of Flushing, whether that port be in Dutch or German hands, as otherwise a British expedition might succeed in landing in the Scheldt and thus be in a position to operate in the German flank. The uses of Antwerp for the purpose of protecting a German invading army from the sea have recently been somewhat discounted by Germany, according to my informant owing to the interruption of the defensive works at that port, which was necessitated by the present operations for widening the river at that point.

Monsieur Delvincourt is considerably impressed by the opposition aroused in the country to the measure for strengthening the Coast Defences and he believes that a postponement or temporary withdrawal of the measure is not entirely out of the question. He is, I understand, in frequent communication with members of the opposition in the Second Chamber on the subject and he told me in confidence that he has drafted, in collaboration with the French Military Attaché at Brussels, a statement of the objections to the measure viewed from the standpoint of friendly relations with France, which statement is to be embodied in a speech to be delivered by one of the opposition deputies in the Chamber.

Although it will be seen from the above observations that the discussion of the measure has evoked manifestations of friendship for England in the country and that its passage through the States General promises to be a stormy one, yet it must not be forgotten that it will demand a formidable secession on the part of their own supporters if the Government's strong Parliamentary position is to be imperilled.

I have, &c.

ACTON.

(²) [*v. supra*, pp. 649-51, No. 558.]

No. 574.

Sir A. Hardinge to Sir Edward Grey.

F.O. 371/940.

43085/29596/10/29.

(No. 144.) Confidential.

Sir,

Brussels, D. November 25, 1910.

R. November 28, 1910.

I have the honour to transmit herewith, in continuation of previous despatches, a further report as marked in the margin⁽¹⁾ by the Military Attaché on the question of the neutrality of the Scheldt in its bearing on the proposed new Dutch defences.

(¹) [M.A. Belgium No. 17.]

The Brussels correspondent of the *Frankfurter Zeitung* who also besides Belgian supplies Dutch information to that paper, told me yesterday that the Defence Bill would almost certainly not pass the States General, and that the result of its rejection would probably be the resignation of the Premier and War Minister, and the reconstitution of a new Dutch Clerical Cabinet. He added that the Dutch were a peculiar people, very touchy, independent and suspicious and that the Belgian protests against their Defence Bill would be more likely to help its advocates than its opponents. From the Belgian point of view, he therefore rather doubted the judiciousness of the Roland de Marés' repeated articles and of the comments which they had evoked in the Belgian press.

I have, &c.

ARTHUR H. HARDINGE.

Enclosure in No. 574.

Lieutenant-Colonel Bridges to Sir A. Hardinge.

Sir,

Brussels, November 21, 1910.

I have the honour to forward herewith for the favour of transmission to the War Office, a copy of the latest of a series of articles by M. Roland de Mares which have been appearing in the Belgian paper, "l'Independance belge," criticising the Dutch Coast Defence Bill.⁽²⁾

The article is of interest as giving in a concise form the two opposing views of the international aspect of the question raised by the proposed fortifications at the Mouth of the Scheldt.

On the one side the view is held that Holland, by her acquiescence in the Treaty of 1839, placed herself under the obligation to preserve the Scheldt as neutral water and not to place obstacles, even potential ones, in the way of the armed forces of one of the guaranteeing powers which might be coming to the assistance of Belgium in the event of a violation of her neutrality.

Opposed to this is the view that Holland as a neutral power must be ready to effectively resist the passage of armed forces through her territory or waters, whatever the intentions of such forces may be.

During a visit to the Hague last week, I had a chance conversation with the Minister for Foreign Affairs, M. van Swinderen, who himself opened the subject and expressed strong disapproval of the articles in question and also of those in the Paris "Temps," a paper, as he remarked, of high standing and wide circulation. He pointed out the value of the harbour of Flushing and the absolute necessity for defences to prevent it falling into the hands of a chance belligerent in time of war, without striking a blow. It was no question, M. van Swinderen said, of blocking the Scheldt and he averred that the Belgians saw Germans ever[y]where and that such talk only had the effect of making the situation more difficult for the Dutch Government. He spoke of the silence of the English press as indicating that Holland's true friends took the view that she was capable of managing her own affairs.

The Bill will meet with opposition in Holland, the whole of the Social Democrats viewing it with disfavour as well as Amsterdam and Rotterdam, on the grounds that it is an unjustifiable expenditure of public money.

At The Hague, where interest is centred in the international and strategic aspect of the new Bill, a proportion of the Roman Catholics are prepared to vote against the measure if, as rumour says, it is to be made a question of confidence. This may jeopardize the Government which has only a majority of 20. Party discipline may, however, be found strong enough to overcome these prejudices when the time comes.

A "Senior Dutch Officer," writing in the "Gil Blas" of 8 Nov[ember], airs the view that it may be the possibility of Flushing being able eventually to compete commercially with Antwerp that has roused the storm of criticism in Belgian quarters.

(2) [Not reproduced.]

He writes of the modern docks that may be built in the dunes of Dornburg behind the new fortifications. He expresses the opinion that a strong defence at the mouth of the Scheldt would form the best link between the two systems of the Low Countries and be a better final solution of the problem of the "entente" (so diligently advocated in Belgium) than the cooperation of two weak armies in the Meuse valley, thrown as a prey to the German Mastodont.

Like most Dutch writers, he is silent on the subject of the alleged inefficient state of the Dutch defences in the direction of the said Mastodont.

Were the capabilities for resistance of the New Holland Water Line fully developed, the Dutch field army in a condition of adequate efficiency and mobility and the "entente" between the two countries a fact, the solution would doubtless be a desirable one.

Public opinion in both Holland and Belgium appears to be realising that, in the present state of international relations and existing defences, the proposed works at Flushing would constitute an advantage to Germany, a disadvantage to Great Britain and a source of danger to Belgium in the event of a war in Western Europe.

Should the Bill be rejected, or only passed through the elimination of the Flushing clause (the real bone of contention) German advances in Holland will have received a check.

I have, &c.

T. BRIDGES, *Lieut[enant] Colonel,*
Military Attaché.

MINUTES.

This is the first indication that we have received of a likelihood that the Dutch Defence Bill may be wrecked by parliamentary opposition at the Hague. It would be interesting to hear what our legation at that capital may have to say on this.

Qu[ery]. The Hague, for observations.⁽³⁾

E. A. C.
Nov[ember] 29.

Colonel Bridges' estimate of public opinion in Belgium and Holland on the subject is interesting.

W. L.
A. N.
E. G.

(3) [This was despatched on December 10 as No. 131. F.O. 371/940, 43085/29596/10/29.]

No. 575.

Lord Acton to Sir Edward Grey.

F.O. 371/940.

46420/29596/10/29.

(No. 177.) Confidential.

Sir,

The Hague, D. December 23, 1910.

R. December 24, 1910.

During the debate in the Second Chamber in October last in regard to the Coast Defence scheme, which arose incidentally on the question of the Order of Business for the Session, a wish was expressed for the publication, either wholly or in part, of the Report of the Commission of 1903, upon which the Bill is largely based, and which had been communicated confidentially to the Chamber. The Government declined to accede to this request on grounds of public policy, but agreed to furnish the House and the public with a further Memorandum explanatory of the motives

underlying the proposed measure and based on those portions of the Royal Commission's Report which do not bear a secret character. The Memorandum has now appeared, over the signatures of the Ministers of War and Marine, and it covers some twenty pages of print. A full translation has been prepared at His Majesty's Legation, and is enclosed herewith.⁽¹⁾

It will be seen that it is laid down in the Memorandum that the Dutch system of Coast Defence should guarantee an efficient maintenance of neutrality and ensure a prevention of any acts by a belligerent which are in violation of the Law of Nations or of International Treaties. The efforts of the Dutch to protect their neutrality should be something more than a pretence, for otherwise their interests will suffer in the negotiations following upon the termination of the war. The Government are further of opinion that in organising the system of defence, the possibility of a war waged against Holland herself should not be lost sight of. In any case an efficient system of defence will compel a belligerent at war with a third Power to detach heavy units from his main force for the purpose of an inroad upon the Dutch coast, and thereby to weaken his striking power on the principal theatre of war. The Note proceeds to describe the configuration of the coasts, estuaries, and sea approaches, and the uses to which the different naval ports could be put by a belligerent, either as bases for operations by sea, as Flushing, or for the purpose of penetrating to the heart of the country. It enumerates in detail the various measures which are held by the Government to be indispensable for the purpose of rendering these positions impregnable, by means either of reconstruction, fresh construction, or rearmament; and it defines the task which will devolve upon the Navy in cooperating with the forts in the work of defence, and the grounds upon which certain specified types of ship and of gun have been selected by the Government with that object.

In regard to the projected fortification of Flushing, the Note points out that the existing fortifications in the West Scheldt are both antiquated and useless against modern gun-fire, while their geographical situation would not permit of their preventing a violation of neutrality. The harbour of Flushing, however, would offer an irresistible attraction to belligerents. On the other hand, a neutrality will not be respected unless founded on the power to compel such respect. In a European war, if the advantages of the use of neutral territory outweigh the objections, a belligerent will be ready to set aside conventional obligations of neutrality, especially in the case of a small nation. It is therefore urgently necessary, in the view of the Government, to protect the harbour of Flushing. This can be done neither by the Navy nor by the Army: the former would be unequal to the task, while the latter would be required elsewhere. Consequently, the construction of an independent armoured fort near Flushing, which will effectually close the entrance of the channel, and be impregnable to attack, is indispensable. The possession of Walcheren and the adjoining islands would be of little value to an enemy who did not hold Flushing as a base. According to the Memorandum, the execution of this project of defence will create no new situation in respect of Holland's international obligations. It will only mean the substitution of a new fort, at a more suitable spot, for antiquated fortifications which already exist, and which can be demolished as soon as the fort near Flushing is completed.

The remainder of the Memorandum is devoted to a restatement of the financial aspect of the scheme, which was fully described in the Memorandum originally attached to the Bill, but in respect of which various criticisms were subsequently brought forward, to which these fresh explanations are intended to furnish a reply.

The enclosed Memorandum appeared on the 9th instant, therefore some days previously to the crisis occasioned by the defeat of the Minister of War in the Second Chamber. It is understood that the latter Official will continue to represent his Department in the States General until the adoption of the War Estimates for 1911, amended by the Government in the sense desired. On the completion of this task, the Minister will formally request to be relieved of his office. The position in regard

(1) [Not reproduced.]

to the parliamentary prospects of the Coast Defence Bill continues to be ill-defined; although the German Minister, who is innocent of guile, recently observed in conversation that the measure may be regarded as dead.

I have, &c.

ACTON.

No. 576.

Mr. Vaughan to Sir Edward Grey.

F.O. 810/44/11/29.

(No. 123.) Very Confidential.

Copenhagen, D. December 26, 1910.

Sir,

R. January 9, 1911.

I have the honour to report that I had some private conversation this morning with the French Minister, in the course of which he expressed his grave concern at the scheme of the Netherlands' Government for the fortification of Flushing.

Count de Beaucaire thought that there was no ignoring the fact that the scheme was directed against Great Britain and was inspired from Germany. It was undoubtedly part and parcel of the Pan-Germanic movement, of which we had a foretaste in the Baltic and North Sea Agreements and still more recently in the scheme of national defence adopted by Denmark. I notice that Count de Beaucaire takes much the same view of the North Sea Agreement as I had the honour to submit in the last paragraph of my despatch No. 9 Very Confidential of January 17, 1908,⁽¹⁾ and the fortification of Flushing appears to be but a further rivet, although a most important one, in the armour which Germany is preparing to be available, should necessity arise, for her protection against attack by a maritime power.

As Flushing is only four hours distant from the German frontier, it would, in M. de Beaucaire's opinion, be a simple matter for Germany to pour ten thousand men into the town and to hold it, if fortified, against all-comers, thereby commanding the approach to Antwerp with its eight kilometres of quays.

The French Minister declares that he is certain that the Dutch scheme of defence is dictated by Germany as he is that the Danish scheme was influenced from the same quarter.

You will remember that, in recording the results of the official visit paid by the King of Denmark to Berlin in 1906, Sir Alan Johnstone, in his despatch No. 137 Very Confidential of November 26, of that year,⁽²⁾ expressed the belief that, although no written Agreement between Denmark and Germany existed, yet that in case of war . . .⁽³⁾ the Danes would, though perhaps keeping up a show of defending themselves in Copenhagen, practically abandon the (Great) Belt to Germany, it being understood that Denmark should not in the end suffer for her friendly neutrality. Count de Beaucaire now tells me *in the strictest confidence* that he knows for a fact, on the authority of a person intimately connected with the Danish Court, that Prince von Bülow clearly gave King Frederick to understand the lines upon which the Danish scheme of defence ought to be drawn up.

⁽¹⁾ [Not reproduced. It reported a conversation with Count Raben on the subject of the Baltic and North Sea. In the last paragraph, referred to above, Mr. Vaughan said that "failing any definite solution [of Germany's motives in the Baltic] one is tempted to speculate as to whether the effect of her proposal in regard to the North Sea would not be calculated in some way to hamper operations in Dutch waters in time of war, in view of the fact, which I think the returns of the Rotterdam Chamber of Commerce will prove, that nine-tenths of the imports through that port are goods in transit to Germany, whilst leaving her full liberty of action on the land side." (F.O. 371/527, 2431/91/08/42.)]

⁽²⁾ [Not reproduced as the contents are sufficiently indicated above. (F.O. 371/57, 40565/37392/06/15.)]

⁽³⁾ [Thus in original.]

M. de Beaucaire seemed very pessimistic. I told him that, while fully alive to the importance of the question, I did not see how any country except Belgium, whose interests at Antwerp would be vitally affected, could with propriety interfere in what might be considered an internal concern of the Netherlands, and I asked him what were his views on the subject. He said he supposed that it would not be possible even for the guaranteeing Powers to enter a formal protest, but that inspired articles in the British and French press might help to frighten the Dutch and open their eyes to the ultimate intentions of Germany.

It is remarkable how little notice has been taken by the Danish press of the Dutch Defence Scheme. I have only seen it mentioned in two newspapers and it might almost be inferred that word had been passed round to ignore the subject. It is still more remarkable that for some months past scarcely any criticisms have appeared of the manœuvres and movements of German warships in Danish waters, which used to be a favourite theme, although I understand they have continued on the same scale as heretofore. I do not know whether the recently created Government Press Bureau is in any way responsible for this silence, or whether it is attributable to fear of Germany at a time when attention in Great Britain is so closely centred on domestic politics and to a growing conviction that Germany is stealthily preparing to challenge our supremacy on the seas. My conversation with Admiral Scheller, reported in my despatch No. 48 of April 7, 1909,⁽⁴⁾ was the first direct indication I had that the confidence of this country in our navy was being shaken, and it was followed by the conversations reported in my despatch No. 18 of February 3,⁽⁵⁾ last. Since then I have noticed that the opinion, however groundless, prevails in many quarters amongst foreigners that in the event of war there is a "sporting chance" that Germany may win.

In the circumstances, I am convinced that the fortification of Flushing, if realized, will be a serious blow to the prestige of Great Britain in Northern Europe.

I have, &c.

J. C. T. VAUGHAN.

MINUTE.

There is a good deal of speculation in these reflexions, but their drift is on the whole reasonable.

E. A. C.
Jan[uary] 9.
W. L.
A. N.
E. G.

⁽⁴⁾ [Not reproduced as the contents are sufficiently indicated above. (F.O. 371/657, 13747/4921/09/15.)]

⁽⁵⁾ [Not reproduced. It reported a conversation with a foreign diplomatist on the merits of the German navy. (F.O. 371/887, 4294/4294/10/15.)]

No. 577.

Lord Acton to Sir Edward Grey.

F.O. 44/44/11/29.

(No. 178.) Confidential.

Sir,

The Hague, D. December 30, 1910.

R. January 2, 1911.

The "Nieuwe Courant," the leading Liberal organ of The Hague, which is understood to have preserved an independent judgment on the burning question of Coast Defence, has broken its habitual reserve by an article published last night and directed against the critics of the Government measure. . . .⁽¹⁾

⁽¹⁾ [The omitted passage gives an account of the article, which is sufficiently summarized below.]

This article is worthy of notice, as it is one of the rare editorial comments which have so far appeared on this question, the press having so far practically confined itself to a summarized reproduction of the articles published in foreign countries. It admits on the one hand that circumstances may arise which would necessitate a German occupation of Dutch ports, and it urges the importance of a strong Holland acting as a protection to the German flank; and it confesses on the other hand that Holland lies exposed to greater danger from Germany than from England; and that the proposed works of defence should go hand in hand with an improvement of the defences on the eastern frontier, lest Germany be tempted to gain a strategic advantage in war by a violation of Dutch territory from the mainland. . . .⁽²⁾

I have reason to believe that the circumstances attending the framing of the Bill and the agitation which it has provoked have not contributed to increase the cordiality in the present official relations between this country and Germany. It is openly stated that the Queen herself somewhat resents the procedure adopted by the German Emperor in first conjuring the North Sea Convention into existence as a virtual warranty of Holland's integrity and thereupon springing upon Holland the obligation incumbent upon her to fulfil her part of the bargain by the early execution in a more aggressive form of the recommendations of the Commission of 1903.

I have, &c.

ACTON.

MINUTES.

This despatch strengthens the impression that strong pressure is being or has been put upon the Netherlands government by Germany, probably indirectly.

It would be useless to ignore the fact that Holland is compelled to pay attention to any such German pressure. She is in fact in a very difficult position and is probably adopting the course most likely to serve her real interests. If by strengthening her coast defences she can stave off the danger of a German invasion by land, she cannot easily be blamed for adopting that policy, however unfriendly it is to England and Belgium. Germany not only *can* insist on having her way, but is universally credited with the intention of doing so, regardless of treaty stipulations or any other ethical considerations, which, according to the Prussian view, have no place in "Real-Politik." England is not in the same position, and Holland knows this.

E. A. C.

Jan[uary] 2.

It is of course a case of "force Majeure." Holland would take a different line if she dared.

W. L.

A. N.

We cannot interfere because we cannot undertake to defend Holland against a land attack from Germany.

E. G.

⁽²⁾ [The omitted passages relate purely to personal matters.]

No. 578.

Sir A. Johnstone to Sir Edward Grey.

F.O. 1032/44/11/29.

(No. 3.)

Sir,

The Hague, D. January 7, 1911.

R. January 10, 1911.

With reference to Lord Acton's despatch No. 178 of the 30th ultimo⁽¹⁾, I have the honour to transmit, herewith, despatches as marked in the margin⁽²⁾ from Captain Watson, R.N., and Lieutenant Colonel Bridges, Naval and Military Attachés respectively,⁽³⁾ on the subject of the Dutch Coast Defence Bill.

I have, &c.

ALAN JOHNSTONE.

⁽¹⁾ [*v.* immediately preceding document.]

⁽²⁾ [N. A. Holland No. 1. M. A. Holland No. 2.]

⁽³⁾ [The originals of these despatches were sent to the Admiralty and the War Office. The texts given above have been taken from the *Confidential Print*.]

Enclosure 1 in No. 578.

Captain Watson to Sir A. Johnstone.

(No. 1.)

Sir,

The Hague, January 6, 1911.

I have the honour to report that while calling to-day on the Admiralty officials here, in the course of conversation the question of the Dutch Coast Defence Bill was raised.

I was informed that the new Minister of War desired that the Militia Bill should be brought before Parliament before the Coast Defence Bill is again considered by that House.

An agreement on this point between the Ministers for War and Marine is necessary for this to be done, and it appears probable that this will be entered into.

Steps appear to have already been taken to quickly bring the Militia Bill through its preliminary steps, with a view to its being ready to take precedence of the Coast Defence Bill in Parliamentary procedure.

Further information obtained was to the effect that the Coast Defence Bill would probably be delayed until the end of this year or early the following year.

The reasons that lead to this are, from my informants' remarks:—

- (a.) A recognition of the difficulty of steering the Coast Defence Bill through the conflicting opinions of the various political parties.
- (b.) A desire to lead up to the Coast Defence Bill by educating public opinion by means of the Militia Bill to the necessity of strengthening the nation's defence.

It was remarked to me that the people of Holland, as a whole, and particularly the richer towns, did not see the necessity of the Coast Defence Bill, and, therefore, the period of delay might help to educate opinion and allow oil to be poured on the troubled political waters, so assisting towards its ultimate adoption.

My informants regarded the press of Holland as being principally in Radical hands, and therefore opposed to the Bill.

The opinion expressed towards Dr. Kuyper by these Admiralty representatives was unfavourable, they evidently viewed him as a doubtful political factor.

- (c.) Another point also appears to be of influence as regards the substitution of the Militia Bill for the Coast Defence Bill, and that is a desire to avoid appearing to be strengthening only one part of the national defences, viz., the sea border.

In connection with the question of the Coast Defence Bill, I would point out that considered by itself the strengthening of the Dutch naval defences would tend to prevent the casual use of Dutch waters by German destroyers during the early stages of a war between England and Germany, and must therefore relieve the anxieties of an admiral commanding the English fleets in the North Sea in respect of flank attacks from neutral waters.

Obviously the same remarks apply to the German admiral's view of the situation.

But the advantage of the casual use of Dutch estuaries during the first week of the war is greater to Germany, who will be acting on internal lines, than to England.

With a weak Holland, the easiest and least expensive way for Germany to make use of Dutch waters is to send destroyers from Emden close down the coast, and these, during the first week of the war, might be a veritable thorn in the side of the British fleet until their base was discovered, the destroyers destroyed, and Holland called to account or their waters taken possession of by the British. The numbers of destroyers required to watch the German coast is so great that the addition of the

Dutch coast to watch on the first outbreak would make serious demands on our naval forces. The damage that might be done, therefore, by Germans making secret use of these harbours is great.

The most difficult and expensive way for Germany to make use of Dutch waters is by having to march army corps across Holland to take charge of Dutch fortified places.

Germany, in time of war with England, is unlikely to detach her battle-fleet to take Dutch forts unless she has command of the sea; if she does so before having command of the sea, it brings her fleet within action distance of the English fleet.

Therefore, Germany has all to gain by a secret use of Dutch waters.

A neutral Holland in war facilitates passage of goods to Germany. The advantages of a neutral Holland, in this respect, has recently been pointed out in the German press. After a successful war with England, Holland would conceivably fall into German hands; but before that, it is desirable for Germany to have her neutral.

A strong naval Holland, which will prevent such secret use, is desirable from the English naval point of view.

Any increase of Holland's floating strength is therefore, I submit, to be encouraged.

In respect of the fort at Flushing the matter is somewhat different to the floating defences.

It is fair to give the Dutch the credit of their argument, that it is designed to protect their neutrality, and is not aimed at England or Germany. In this respect their argument is sound, in that if Holland has this fort, and objects to a belligerent's use of her waters, England and Germany are in the same position in respect of it, if they wish to use Dutch waters, in that they must take possession of the fort. If the value, at the time, to be obtained from capture is worth it, taken it will be.

If Germany does so, this will make Holland show her hand, as if Holland has these defences and allows Germany to use her harbours, England has a logical cause for complaint, and Holland's place in a war is at once classified.

To the fort, however, grave objections may be taken from the political point of view, in that it commands the approaches to Antwerp and Belgian waters, and that it is not popular in Belgium, tending therefore to sever the combination of Holland and Belgium, rather than draw these countries together; and in this aspect it is obviously undesirable.

Further, it is not such a great asset really to Holland in regard to preventing belligerents using her waters. A fixed fort can never do so much towards this end as the number of ships of destroyer or submarine character that could be built for the money allocated to the fort, and which by their mobility are able to watch the number of channels and estuaries that Holland has.

The number of submarines that Holland will have, even after the passage of the Coast Defence Bill, and the size of her destroyers, will scarcely be adequate for the purpose of watching her coasts against the larger and faster destroyers of English and German navies.

In conclusion, I would submit that, as regards the Coast Defence Bill as a whole, it will fulfil the useful purpose of making a stronger Holland; but, in regard to the fort at Flushing, I submit it is undesirable, in the interests of political relations, that it should be built. It would be most desirable that the Dutch Government should transfer the money voted for the fort to construction of more ships, which would more adequately protect their waterways and give offence to no one. In view of the probability of delay in passing the Coast Defence Bill, and the difficult political position, it would seem that there is a possibility of the Coast Defence Bill being largely amended.

Any efforts towards the dropping of the fort at Flushing would appear to be desirable.

I have, &c.

HUGH WATSON.

Enclosure 2 in No. 578.

Lieutenant-Colonel Bridges to Sir A. Johnstone.

(No. 2.)

Sir,

The Hague, January 7, 1911.

I have the honour to report, for the information of the War Office, that I was received on the 5th instant by the new Minister of War, Captain Colijn. He is 41 years of age, and has seen some military service, but made his name in an administrative capacity in the Netherlands East Indies. He is credited with much energy and a good business capacity, but is apparently not *au courant* with the details of the army.

It is interesting to note that there has never been in Holland a War Minister who was not a soldier of some standing, and only one Minister of Marine who was not on the Navy List.

It is rumoured that Dr. Kuyper engineered the fall of General Cool, and that the present Minister is his creature, also that the Minister of Marine is likely before long to share the same fate, and that the two functions will be carried out by a single Minister of Defence.

I gather that the coast defence project is now going to be postponed by agreement between the two Ministers, and that the Army Reform Bill, the principle [*sic*] measure of which is the increase in the contingent from 17,500 to 23,000 men, will first be presented. Rumour says that in deference to opposition both in Holland and abroad, the Coast Defence Bill may not be presented until the autumn, or even later.

This again is ascribed to Dr. Kuyper, the Machiavelli of Dutch politics, who remains at the tail of the anti-revolutionary party, and yet contrives to wag the dog and who, in spite of the "decorations" scandal and other lighter lapses from the straight path, is still apparently the most powerful man in the Netherlands.

There now appears to be ample opportunity and sufficient excuse for the Government to modify the Coast Defence Bill, and one of the first modifications will be, it is said, the elimination of the clause which places the coast forts under the control of the navy.

In this respect it is interesting to note that the artillery adviser to the Minister of Marine has been said to have declared that so long as he has anything to do with the matter, Krupp will continue to receive the Dutch contracts on the grounds of the great difficulty entailed by the changing of drill and methods to suit new guns, and it must be remembered that the whole of the navy and coast defences are armed with German guns for all the larger types of which the ammunition has to be imported.

Finally, as regards the real bone of contention, the proposed work at Flushing, which is assuming international importance, I gather from conversations with several senior Dutch military officers, one of whom is the commandant of the Staff College, who has been for some years a teacher of international law, and was a delegate to the last Peace Conference, that the Dutch military view of the question is uncompromising. All Belgian claims to rights on the Scheldt in war are brushed aside, and the privileges she enjoys were, it is maintained, only granted to, or purchased by her for peace purposes.

It is held that the Dutch are absolute masters of their portion of the Scheldt in time of war and are acting within their duty in taking measures to resist any possible violation of it. There is a certain amount of "Schadenfreude" to be detected in the expression of the view that Belgium, in establishing her national redoubt of Antwerp so close to the Dutch frontier, where the waters of her defensive zone may even encroach on Dutch soil, without first inviting the views of the Dutch Government on the question, has laid herself open to the consequences. These officers also held in concurrence with the view expressed by Dr. Kuyper when in Belgium last week,

that there is no obligation to Holland to declare in time of peace what her action will be in time of war.

It would appear from these expressions of opinion that there will be dangers and difficulties to be met before the Bill becomes law, and that in these extreme views the seeds of danger lie. Were the Scheldt under international control, and the fort of Flushing to be built in agreement between Holland and Belgium, it would become a factor of strength to the defence of both countries. Projected, however, in an almost hostile spirit with a disregard to Belgian interests and under strong suspicion of German pressure, it will form a source of weakness to the national defence of Belgium and to the balance of power. If, however, as now seems probable, the question is to be shelved till the autumn, modifications may be made and the Flushing clause may even be eliminated, a fact which will constitute a set-back to German influence in Holland. But the fact will remain that the Dutch Government has placed itself under suspicion, and that the eyes of Belgium have been opened to the amount of assistance she may expect from her northern neighbour in time of war.

I have, &c.

T. BRIDGES, *Military Attaché*.

MINUTE.

These are very interesting despatches. The Naval Attaché puts forward some arguments telling in favour of a strengthening of the Dutch coast defence by means of a mobile force of smaller craft, even from the point of view of British interests. On the other hand he considers that the fortification of Flushing would be a mistake. We may agree with this and yet not approve the suggestion made in the concluding paragraph of his despatch, that it would be desirable—presumably for us—to make some effort with the object of defeating the scheme.

I think that in forwarding copies of both these reports to the Admiralty and the War Office we should say that in the opinion of Sir E. Grey, it is not desirable that H[is] M[ajesty's] G[overnment] should directly or indirectly express any views on the question or endeavour to influence the decisions of the Netherlands government.⁽⁴⁾

E. A. C.
Jan[uary] 12.
W. L.
A. N.
E. G.

⁽⁴⁾ [This was done in the covering letters to the Admiralty and the War Office of January 27. (F.O. 1032/44/11/29.)]

No. 579.

Lord Acton to Sir Edward Grey.

1738/44/11/29.

(No. 2.) Confidential.

Sir,

The Hague, D. January 9, 1911.

R. January 16, 1911.

At his weekly reception on the 5th instant the Minister for Foreign Affairs spoke to me, for the first time, on the subject of the Dutch Coast Defences. His Excellency, who touched upon the question entirely of his own accord, began by renewing the solemn assurance previously given to Sir George Buchanan that Germany has never exercised any pressure upon Holland either direct or indirect, in this matter, either during his own tenure of office or during that of his predecessor (1905–1908). He considered that the English press had preserved an attitude of laudable reserve until Colonel A'Court Repington, formerly Military Attaché at The Hague, had initiated a controversy in the columns of the "Times." Colonel A'Court however was not entirely consistent in his conclusions, for on the one hand he asserted that the defences when completed would be of little avail against a determined attack by a great Naval Power, while on the other he enlarged upon the satisfaction with which

Germany must view any attempt by Holland to render her coast defences impregnable to attack. The Belgian press campaign however produced propositions which were equally illogical. It was asserted by Belgian jurists that Flushing cannot be fortified as it would obstruct freedom of access to Antwerp on the part of a relieving expedition, and in the same breath Holland was stated to be under the obligation to prevent by force the penetration of a hostile expedition up the Scheldt, whose operations were directed against Belgian neutrality. The latter duty could however only be fulfilled if Flushing were fortified, so that the Belgian outcry against the project was inconsistent and unreasonable.

I said that whatever might be the view expressed in the English press I was under the impression that His Majesty's Government quite understood that Holland was now taking measures for the preservation of her own neutrality. On my endeavouring to ascertain whether the question had as yet been officially raised by the Belgian Government His Excellency returned an evasive reply and the subject then dropped.

I have, &c.
ACTON.

MINUTES.

It looks as if the Belgian Gov[ernmen]t were moving in the matter.

C. W. O.

Whilst I think H[is] M[ajesty's] G[overnment] would make a mistake if they endeavoured to oppose the Dutch sea-defence scheme, and whilst it is easy to sympathise with the Dutch when they suit their action to their fears of German ill-will, it seems to me going a little too far to suggest to the Dutch Gov[ernmen]t, as Lord Acton seems to have done, that their attitude in this matter is just what we should have liked it to be.

I should have thought that when the Dutch Min[iste]r for F[oreign] A[ffairs] himself broaches the subject, it is better to say something less vague and more in accordance with what I fancy must be the views of H[is] M[ajesty's] G[overnment].

Qu[ery].

Point out to Lord Acton that H[is] M[ajesty's] G[overnment] have carefully refrained from putting forward any opinion as to the merits and objects of the defence schemes because they consider that it is not for them to interfere with such a matter in a foreign independent State and they desire to see Holland preserve her independence, but that as the Minister for F[oreign] A[ffairs] has himself broached the subject, it is (natural for H[is] M[ajesty's] G[overnment] to say that he is no doubt aware that the particular steps proposed have a one sided appearance which has been the subject of much comment).⁽¹⁾

E. A. C.
Jan[uary] 16.

Lord Acton's answer was rather misleading. Though no one doubts that the measures Holland is taking will help to protect her neutrality their main feature is that they will protect it on one side only, that her sole anxiety is to persuade Germany that she can protect her neutrality against us.

It has been decided that we cannot object to this but there is no reason why we should pretend that we do not understand what is going on.

W: L.

I should feel inclined to omit the passage I have marked in red pencil⁽¹⁾—I always think it best not to allude to "motives," they are very debateable and often inscrutable.

A. N

Substitute the words I have drafted.

E. G.

⁽¹⁾ [The sentence in brackets was substituted by Sir Edward Grey for that originally written by Mr. Crowe, which ran as follows: "only right for H[is] M[ajesty's] G[overnment] to say that they draw their own conclusions as to the motives actuating the Dutch Gov[ernmen]t in dealing with the general question of their land and sea defences in the particular manner they are doing, and that H[is] M[ajesty's] G[overnment] will of course have carefully to consider the practical effects of the Dutch attitude in its international aspects." *v. infra*, Sir Edward Grey's despatch to Count Bentinck, pp. 690-1, No. 585.]

No. 580.

Sir F. Bertie to Sir Edward Grey.

F.O. 1973/44/11/29.

(No. 25.)

Sir,

Paris, D. January 17, 1911.

R. January 18, 1911.

I have the honour to report that M. Jules Delafosse—Conservative Deputy—addressed questions to the Minister of Foreign Affairs in the course of yesterday's debate in the Chamber of Deputies respecting the intention of the Dutch Government to rebuild the fortifications of Flushing. M. Delafosse called attention to the pro-German sympathies displayed by Holland during the reign of Queen Wilhelmina and pointed out the great benefit which would accrue to Germany by the fortification of Flushing, in case of war. The German army would probably march through Belgian territory in order to outflank the left wing of the French army, and England, in the event of her taking part in the war, would not—if the Scheldt were closed by forts at Flushing—be able to send her fleet up the river for the relief of Antwerp. Such fortifications would therefore virtually constitute a violation of Belgian neutrality, which the Powers guaranteeing that neutrality ought to be unwilling to allow. M. Delafosse accordingly enquired whether M. Pichon had concerned himself with the question and whether he had addressed representations to the Dutch Government on the subject.

M. Pichon pointed out in reply that the Bill for the fortification of Flushing had encountered considerable opposition in Belgium and in Holland itself and that it was possible that the project might be dropped altogether. In any case, however, he was quite ready to adopt the suggestion of M. Delafosse and to join in any discussion of the matter in a friendly spirit with the other Powers who had guaranteed the neutrality of Belgium. . . .⁽¹⁾

I have, &c.

FRANCIS BERTIE.

MINUTES.

For question of Naval Conference see 2049 General.

(I am dealing with the two portions of this despatch separately, for greater convenience.)

M. Pichon intimated that he was prepared to discuss the question of the Flushing fortifications with the governments of any of the other Powers that were co-partners in the guarantee of Belgian neutrality.

It is therefore not unlikely that we may shortly be approached by the French government in the matter. In view of this contingency, I would suggest that the time has come for calling the attention of the Committee of Imperial Defence to the matter.⁽²⁾

E. A. C.

Jan[uary] 18.

The Belgians are very much disturbed by the fortification of Flushing and will probably take advantage of this statement to raise the matter with France and us.

W. L.

A. N.

E. G.

⁽¹⁾ [The remaining paragraphs refer to a question by M. Maurice Colin, in the reply to which M. Pichon is reported to have said that the London Naval Conference had been summoned "at the instigation of the French Government." For a full record of this part of the debate, *v. Journal Officiel*, January 17, 1911, pp. 62-3.]

⁽²⁾ [This was done on January 27, 1911. (F.O. 1973/44/11/29.)]

No. 581.

Lord Acton to Sir Edward Grey.

F.O. 2105/44/11/29.

(No. 12.) Confidential.

Sir,

The Hague, D. January 18, 1911.

R. January 19, 1911.

The Assistant Minister for Foreign Affairs spoke to me this morning on the subject of the passage relating to the Dutch Coast Defences in the speech delivered by the

French Minister for Foreign Affairs in the Chamber on the 16th instant.⁽¹⁾ Count Limburg Stirum said that the Netherland Government were awaiting the receipt from their Representative in Paris of the authentic text of the speech. France no doubt had a perfect right to enter into conversation with the co-Guarantors, on the subject of Belgium's neutrality. If however she intended to approach the Netherland Government on the subject of Holland's right to construct a fort on her own territory, he could assure me that his Government would decline to discuss the matter.

I think that I am correct in interpreting this observation as an "avis au lecteur."

Count Stirum also said that there was a possibility that for parliamentary reasons, the measure would never become law; and he was afraid that even if it was voted, there was a very small chance of those clauses relating to the Flushing scheme being persevered with.

I have, &c.
ACTON.

(¹) [*v.* immediately preceding document, where the speech is reported.]

No. 582.

Sir F. Bertie to Sir Edward Grey.

F.O. 2241/44/11/29.

(No. 32.)

Paris, D. January 19, 1911.

Sir,

R. January 20, 1911.

I had the honour to report in my despatch No. 25 of January 17th⁽¹⁾ an answer given by M. Pichon to a question in the Chamber of Deputies on the subject of the fortifications of Flushing, in which His Excellency mentioned his readiness to join in an amicable conversation on the subject with the Powers interested.

The "Temps" states that the Dutch Foreign Minister has instructed the Dutch Minister at Paris to send him the text of M. Pichon's speech, and that the Netherlands Government are of opinion that there is no connection between the question of the fortifications of Flushing and that of the position of Belgium which is defined by an international agreement.

The correspondent of the "Nie[u]we Rotterdamsche Courant" at Paris has, according to the "Temps," received the following declaration from M. Pichon:—

"Mes paroles ont été très simples. Personne ne peut en prendre ombrage. Il s'agit d'un fleuve international et neutre, limitrophe d'un pays dont la neutralité est garantie par les puissances. Je me suis naturellement tenu tout à fait en dehors des considérations et des motifs de M. Delafosse, et je n'ai également fait aucune observation au gouvernement hollandais."

The observations made by M. Delafosse to which M. Pichon here alludes bore upon the contingency of the violation by Germany of Belgium's neutrality in order to turn the flank of the French armies, and he objected to the fortifications of Flushing as a possible impediment to the entrance of a British fleet seeking to disembark troops in Belgium to act against Germany.

The "Temps" further reproduces a telegram from Berlin to the "Cologne Gazette" in which astonishment is expressed that M. Pichon should have spoken of conversations with the Powers interested as to the Flushing fortifications. The German Government, so this communication states, does not consider that it would

(¹) [*v. supra*, p. 686, No. 580.]

have any right to intervene in such a question, as it was not easy to explain how a country, whose international position was not restricted by any neutrality treaty, could be prevented from constructing on its own territory any defensive works which it might hold to be necessary. It was therefore not likely that Germany would take any part in limiting Dutch rights of sovereignty.

I inclose the text of what M. Pichon said in the Chamber of Deputies on the subject of the fortifications of Flushing.

I have, &c.

FRANCIS BERTIE.

Enclosure in No. 582.

Extract from the " Journal officiel " of January 17, 1911.

M. le président. La parole est à M. le ministre.

M. le ministre des affaires étrangères. Je ne me dissimule pas, et la Chambre non plus, l'intérêt que présentent les observations qui viennent d'être portées à la tribune par M. Delafosse.

Je ne veux pas entrer dans l'examen des considérations qu'il a développées et qui, d'après lui, auraient pu motiver le dépôt du projet de loi que le parlement des Pays-Bas serait appelé à discuter à une date assez prochaine.

En réalité, c'est une question déjà ancienne : elle remonte, dans son état actuel, à 1903.

A cette époque, une commission d'enquête avait été chargée d'examiner la défense maritime des Pays-Bas ; le 24 décembre 1904 cette commission présentait à la reine son rapport concluant à ce que des fortifications nouvelles soient faites pour la défense éventuelle de la Hollande. Six ans après le gouvernement néerlandais déposait un projet de loi comportant une dépense de 84 millions de francs. Ce projet de loi a pour objet de rétablir à Flessingue des fortifications qui se trouvent dans le voisinage et qui tombent en ruine, paraît-il.

Ce projet a rencontré une opposition très vive, des objections ont été faites, celles que vient d'indiquer M. Delafosse. On a prétendu, en outre, que ce projet ne serait pas conforme à la stricte neutralité de la Hollande. C'est surtout en Belgique que les objections se sont produites. On y a soutenu avec une certaine force que l'Escaut était un fleuve international, qui devrait rester neutre. La Hollande ayant reconnu le traité de 1839, comme M. Delafosse l'a indiqué, ne peut prendre aucune mesure, d'après les personnes qui ont soutenu cette thèse, susceptible de porter atteinte à la neutralité de la Belgique.

Des contestations se sont produites ; les avis sont très partagés en Hollande, et il est possible que le projet ne soit pas maintenu.

Dans tous les cas, je ne puis que me rendre à la suggestion qui a été formulée par M. Delafosse et à l'idée qu'un projet de cette nature comporte des conversations entre les diverses puissances qui ont été appelées à garantir la neutralité de la Belgique. Ce sont des conversations tout amicales qui ne peuvent être mal interprétées nulle part, et auxquelles je me prêterai volontiers. (*Très bien ! très bien !*)

Sir F. Bertie to Sir Edward Grey.

F.O. 2242/44/11/29.

(No. 33.) Confidential.

Sir,

Paris, D. January 19, 1911.

R. January 20, 1911.

With reference to my immediately preceding despatch of this day's date⁽¹⁾ I have the honour to report that I spoke to M. Pichon yesterday in regard to the reference made in the Chamber of Deputies to the Flushing fortification scheme and the answer he had made to M. Delafosse. His Excellency told me that that gentleman, who is a violent Germanophobe, had spoken to him privately on the subject, expressing his intention to question him in the Chamber. M. Pichon endeavoured to dissuade him from doing so, but he said that of course if a question were put he would answer it. His Excellency informed me that he had no desire to raise a European question but he supposed that, as it is a matter which affects England still more than France, it had been under the consideration of His Majesty's Government. I told him that I had not seen in the papers sent to the Embassy anything to show that His Majesty's Government had taken any steps in the matter. M. Pichon personally does not consider that the right of Holland to fortify Flushing can be disputed, but as it affects the position of Belgium he thinks that it would be useful that the Guaranteeing Powers should interchange their views, and he has telegraphed to that effect to the French Ambassadors at London, Berlin, St. Petersburg and Vienna. He did not mean anything more than this when he replied to M. Delafosse that he would be ready to enter into conversations on the subject.

I have, &c.

FRANCIS BERTIE.

MINUTES.

We might inform the French Gov[ernmen]t confidentially of our views (which seem much the same as those of M. Pichon) and of our instructions to Lord Acton.

A. P.

January 20, 1911.

I think we had better say nothing until we are actually asked. Meanwhile the Committee of Imperial Defence may have arrived at some definite conclusions on the subject.

Copies Admi[nistrat]y.

W[ar] O[ffice].

C[ommittee of] I[mperial] D[efence].

E. A. C.

Jan[uary] 20.

We shall evidently hear from M. Cambon in some form.

W. L.

M. Cambon has mentioned the matter (see my minute attached).

A. N.

M. Cambon came to-day and read me a telegram from M. Pichon explaining that he did not wish that formal and official negotiations should be opened in respect to Flushing fortifications. All that he desired were unofficial and friendly conversations or an interchange of views between the signatories of the 1839 Treaty. The question he wished to put to us was the following:—

Did we consider that in fortifying Flushing the Dutch were infringing the Treaty of 1839 guaranteeing the neutrality of the Scheldt?

Holland had that Treaty communicated to her at the time and had "taken act of it." Would fortifications at Flushing impair the neutrality of the Scheldt?

F.O., 20 January, 1911.

A. N.

I will consider the answer next week.

E. G.

21.1.11.

(1) [v. immediately preceding document.]

Sir F. Cartwright to Sir Edward Grey.

Vienna, January 21, 1911.

F.O. 2465/44/11/29.

D. 8·10 P.M.

Tel. (No. 7.) Confidential.

R. 9·30 P.M.

Flushing fortifications.

Count Aehrenthal returned this morning, and I learn from a confidential source that he has immediately ordered a full *dossier* to be prepared with regard to the above subject. I believe that Germany wishes Austria to act with her in this question.

French Ambassador has spoken in very strong terms to the editor of the "Fremdenblatt", the organ of the Vienna Foreign Office, warning him of the importance of this subject, and that, should Germany and Austria practically withdraw the guarantee of Belgian neutrality, a profound impression would be produced in France which might lead to much friction between the countries forming the Triple Alliance and those forming the Triple *Entente*. This language is intended to be repeated to Count Aehrenthal.

MINUTES.

Rather unnecessary to do all this as the idea of the fortifications may be abandoned altogether.

A. P.

January 23, 1911.

Repeated to Paris
Berlin
Brussels
The Hague.

But since the French gov[ernmen]t are apparently desirous of formally raising the question, we must be prepared to express our views if and when we are approached on the subject. I propose to have a departmental memorandum prepared dealing with the questions of the free navigation of the Scheldt, the position of Antwerp and the effects on that position of the Flushing fortifications, from the point of view of the existing treaties. The subject will however require further consideration from the general political and from the strategical point of view.

E. A. C.

Jan[uary] 23.

We cannot do better than follow Austria's example and prepare a full "dossier." The French Ambassador appears to have used unnecessarily strong language.

W. L.

The sooner we have the memo[randum] the better as we have an informal inquiry from M. Pichon to answer.

A. N.

Prepare a paper as proposed.⁽¹⁾

E. G.

⁽¹⁾ [*v. infra*, pp. 696-704, No. 590.]

Sir Edward Grey to Count Bentinck.

F.O. 1738/44/11/29.

(No. 4.)

Sir,

Foreign Office, January 23, 1911.

With reference to Lord Acton's despatch No. 2 Confidential of the 9th instant⁽¹⁾ reporting his conversation with the Netherlands Minister for Foreign Affairs on the subject of the proposed Dutch coast defences, I desire to point out that H[is] M[ajesty's] G[overnment] have carefully refrained from putting forward any opinion

⁽¹⁾ [*v. supra*, pp. 684-5, No. 579.]

as to the merits and objects of the defence scheme because they consider that it is not for them to interfere in such a matter in a foreign independent State and because they desire to see the Netherlands preserve their independence. Since, however, the Netherlands Minister for Foreign Affairs has himself broached the subject, it is only natural for H[is] M[ajesty's] G[overnment] to observe that he is no doubt aware that the particular steps proposed have a one-sided appearance which has been the subject of much comment.

Should M. van Swinderen again refer to the subject you should speak to him in this sense.

[I am, &c.
E. GREY.]

No. 586.

Sir A. Hardinge to Sir Edward Grey.

F.O. 2980/44/11/28.

(No. 8.) Confidential.

Brussels, D. January 24, 1911.

Sir,

R. January 25, 1911.

I have the honour to transmit, herewith, a Despatch from Lieutenant Colonel Bridges, Military Attaché,⁽¹⁾ on the subject of the proposed fortification of Flushing. Colonel Bridges has addressed this Despatch to me as well as to Sir Alan Johnstone in order to save time and to ensure its reaching you before the news it contains becomes stale.

I have, &c.
(for Sir A. Hardinge),
GRANVILLE.

Enclosure in No. 586.

Lieutenant-Colonel Bridges to Sir A. Hardinge.⁽²⁾

(No. 3.) Confidential.

Sir,

Brussels, January 23, 1911.

I have the honour to report, for the information of the War Office, that the Dutch Coast Defence Bill continues to occupy public attention and the press both in Holland and Belgium.

This is due principally to the statement of M. Pichon and the strong articles that have appeared in the English papers, notably the "Times." The views thus expressed have naturally found strong support in the Belgian papers, but it is open to doubt whether their effect upon the Dutch public will not be rather the reverse of that which was intended, and serve rather to rally the supporters of the Coast Defence Bill.

The controversy over the Flushing project has now narrowed down to two questions:—

1. Has Holland a right to fortify the mouth of the Scheldt?
2. What is the position as regards the navigation of the Scheldt in time of war?

It would appear that question 1 is answered in the affirmative practically everywhere, while question 2 remains a matter of pure conjecture.

The Belgian press expresses a growing desire that the position should be defined. whatever the fate of the Dutch project may be. As to how this can be done opinions

⁽¹⁾ [M. A. Holland 3. Jan[uary] 23, 1911.]

⁽²⁾ [The original of this despatch was sent to the War Office. The text given above has been taken from the *Confidential Print*.]

vary, but two alternatives are suggested, *i.e.*, a conference of representatives of Holland and Belgium and the guaranteeing Powers, or a conference restricted to the two countries directly concerned.

In a conversation which I recently had with M. Sam. Wiener, an influential Liberal member of the Belgian Senate, he expressed himself strongly in favour of clearing up the situation by means of the second alternative, the first being likely to prove most unwelcome to Holland, if, indeed, it was not rendered impossible by the conflicting nature of the interests of the other Powers concerned.

There would appear to be at present no definite military opinion on the subject in Belgium, the views of military critics being of a very divergent character, but Lieutenant-General Jungbluth, the Chief of the General Staff of the Army and head of the King's military household, told me this morning that there would be no talk of action until the storm created in the press had cleared off, and he expressed the opinion that if allowed to do so the project of fortifying Flushing, after running the gauntlet of committees and sub-committees, would find itself a decent burial.

In Holland there appears to be a strong feeling in military circles against the Flushing project, and at a recent meeting of a military society, akin to our United Service Institution, influential officers expressed themselves strongly in favour of devoting the amount asked for on this count to the improvement of the land defences on the eastern side and the better training of the field army. Lieutenant-General Snijders (not to be confounded with the present Chief of the General Staff), in an ample brochure, of which I have the honour to enclose a copy,⁽³⁾ comes to much the same conclusion, but lays more stress on the necessity of a longer period of training for the infantry.

It would appear that the most desirable outcome of the matter for ourselves, from a strategic point of view, is that the Dutch should fortify their estuaries and waterways sufficiently to prevent casual use of them by torpedo craft during the early days of a war; that the Flushing project should be abandoned and the funds intended for it diverted to the improvement of the defences of the country towards the east and the field army.

If this be so, I would submit that up to the present things seem to be going well. As stated in my last despatch (No. 2 of the 7th January),⁽⁴⁾ the Bill is likely to be postponed, at all events until the autumn, while there appears a strong probability of the unpopular clause being omitted. A rumour has, indeed, reached me from The Hague that the works at Flushing and Dirksland are to be cut out of the programme.

Added to this, the Belgian press reports that the sections of the First Chamber appointed to examine the budget have expressed themselves in favour of the sums asked for being granted, but do not altogether approve of their allocations, being of opinion that some of the money demanded for coast defence might be better applied to improving the living forces of the country, the completion of the Amsterdam position, and the strengthening of the defences towards the east known as the New Holland Water-line.

I have, &c.

T. BRIDGES,

Military Attaché.

⁽³⁾ [Not reproduced.]

⁽⁴⁾ [*v. supra*, pp. 683-4, No. 578, *encl.* 2.]

Count Bentinck to Sir Edward Grey.

F.O. 3292/44/11/29.

(No. 15.) Confidential.

The Hague, D. January 24, 1911.

Sir,

R. January 28, 1911.

Recent events have tended to arouse the Dutch from their habitual lethargy and induced them to take a more lively interest in what is going on around them. The Flushing Fortification Scheme has been the all-absorbing topic of the past fortnight. A certain amount of concern was evidenced when at a meeting of Officers held on the 13th instant to consider the Government proposals, opinions were openly expressed against the scheme. To judge from observations made to me by Members of the Government party in the Chamber, many members were not yet convinced of the utility of the measure and are vacillating between divergent opinions, whilst the Roman Catholics and Socialists have been opposed to it from the beginning. The expenditure of forty million florins is feared by some to be merely a first instalment of two hundred millions. Military men consider army reform more urgent and Naval men require more money for shipbuilding purposes. The Prime Minister, my Turkish Colleague tells me, declared that although Holland would not allow her right to fortify Flushing to be questioned, he was nevertheless prepared to postpone the measure and to proceed first with the reform of the army. (This statement is in accordance with the wishes of the Minister of War as reported in the Naval Attaché's despatch which formed the enclosure in Sir Alan Johnstone's despatch No. 3 of the 7th instant.)⁽¹⁾ The Bill appeared destined to die a natural death.

Then came Monsieur Pichon's statement in the French Chamber on the 16th instant⁽²⁾ which served to awaken the smouldering embers of patriotism in a people conscious of a glorious past. Whatever may have been the exact words employed and the interpretation which the French Minister at The Hague was instructed to place upon them in an interview which he had with the Netherlands Minister for Foreign Affairs, they were construed by the general public as constituting an inclination to limit their sovereign rights and to interfere in their internal affairs. The "Kölnische Zeitung" in an article said to have been inspired, was prompt in taking advantage of the situation thus created and announced at once that the German Government had not the slightest intention of interfering in matters which were the concern of Holland alone. This statement was re-echoed a few days later by the Vienna correspondent of the same journal and the article quoted at length in the Dutch press.

Monsieur Pichon's language has created a decidedly bad impression in this country. "They are throwing us into the arms of Germany" were, I am told, the words used at the leading club at The Hague in regard to the matter. According to what a well-informed member of the Chamber tells me, this agitation abroad is having the result of driving many deputies who had hitherto vacillated, into the Camp of the Advocates of the Bill. The leading newspapers, which had formerly opposed the scheme, now refrain from decrying it, and hold tenaciously to the right of Holland to act as she pleases in the matter. The Amsterdam "Handlesblad" exaggerates the situation to the degree of hinting at a certain similarity between Monsieur Pichon's attitude and that of Louis XIV in 1672 when he said to the Dutch Plenipotentiaries who came to sue for peace: "Nous traherons sur vous, chez vous et sans vous."

The Sections of the First Chamber drew up their report on the 20th instant on the Budget for 1911. In their opinion the efforts of the Government in grappling with the Coast Defence question were deserving of appreciation. It was their duty to take the matter in hand. At the same time, it was contended that the scope of the proposed measure was too broad, that the Government had demanded more than was strictly necessary and had relegated to the second place other measures such as the

(1) [*v. supra*, pp. 681-3, No. 578, *encl.* 1.]

(2) [*v. supra*, p. 688, No. 582, *encl.*]

completion of the fortification of Amsterdam and the improvement of the "Water line" of defence which covers Amsterdam to the East. It was not the amount asked for to which objection was raised, but the too exclusive allocation of the money to a single means of defence. What was asked solely for coastal defence could, the critics considered, be better employed in part for the strengthening of the mobile forces.

I venture to submit that if the supporters of the Bill are to increase in Holland in proportion to the opposition the bill encounters abroad, then this very opposition defeats the end which it is anxious to obtain. The Chamber may be goaded into passing a measure which is distasteful to it in defiance of foreign opposition. A well informed and influential Dutchman observed recently in conversation: "there is a great deal at the bottom of it all," and he was thinking perhaps of the shadow which looms in the background of a Prince in "shining armour" who three years ago assured the Dutch of his readiness to stake his life for the peaceful development of their country.

I have, &c.

C. H. BENTINCK.

No. 588.

Sir F. Cartwright to Sir Edward Grey.

Vienna, January 25, 1911.

F.O. 2989/44/11/29.

D. 6.30 P.M.

Tel. (No. 8.)

R. 8 P.M.

My immediately preceding telegram: ⁽¹⁾ Flushing fortifications.

I asked Count von Aehrenthal to-day whether he could give me his views on this matter.

He said that he had scarcely had time to study it, and that so far question had not been brought to his notice officially by any Powers. It was a matter which did not directly interest Austria-Hungary. In his opinion it would be wise to treat it juridically and not as a political issue, and it seemed to him that juridically Holland's right to fortify Flushing was indisputable. He informed me that Count Mensdorff's telegrams seemed to indicate that you viewed this question more calmly than the French Minister for Foreign Affairs.

Count von Aehrenthal showed satisfaction, and seemed to imply that it was the duty of every one to do their utmost to calm the excitement caused in certain quarters. I said to him that it would be wise on the part of Holland to abandon idea of erecting fortifications unless she was convinced they were absolutely necessary to her security.

Count von Aehrenthal was very guarded in his reply, which was vague, but he observed that the less stir one made over this question the easier would it be for Holland quietly to abandon idea of fortifications. Count von Aehrenthal added that in his opinion French Minister for Foreign Affairs had gone too far in his recent speech, ⁽²⁾ and that now it would be somewhat difficult for him to let this question drop altogether.

French Ambassador, who had received instructions to talk with Austrian Minister for Foreign Affairs on the subject, was last night instructed to abstain from doing so unless the latter should himself allude to it.

⁽¹⁾ [*v. supra*, p. 690, No. 584.]

⁽²⁾ [*cp. supra*, p. 688, No. 582, *encl.*]

Sir A. Johnstone to Sir Edward Grey.

F.O. 3293/44/11/29.

(No. 17.) Confidential.

The Hague, D. January 26, 1911.

R. January 28, 1911.

Sir,

I arrived here early this morning from leave and as the Minister for Foreign Affairs was receiving to-day, I decided to call on His Excellency after reading the despatches on the Flushing Fortification and Lord Acton's Annual Report,⁽¹⁾ which had been written in my absence.

I found my French colleague in the waiting room and we were presently joined by the Belgian Minister. The former seemed depressed as well as unwilling to talk about the question of the pending Dutch Coast Defence Bill. But as soon as Monsieur Marcellin Pellet had entered the Minister's room, Baron Fallon burst out about the "stupidity" of our Colleague and of the French Press in helping to bring about a state of affairs which he was convinced would inevitably entail the passage of the Bill owing to Dutch susceptibilities having been aroused by the language of the French Press and of Monsieur Pichon in the Chamber, even though the latter had endeavoured to lessen the effects first produced by his speech.

On being received by Monsieur van Swinderen, I first of all spoke on indifferent subjects and then laughingly remarked that on my return I found Holland in the glare of the political limelights.

His Excellency then spoke most earnestly and impressively to me about the Dutch Coast Defence scheme. He said that in renewing the language he had already used to Sir George Buchanan, he would pledge me his word of honour that neither now, nor in the time of his predecessor, had any word been spoken or letter written or hint given by Germany to endeavour to influence Holland in her scheme of national defence. The subject *until the last few days* had never been touched upon either at Berlin or The Hague. He would moreover most solemnly assure me that the new fortifications at Flushing were, in the opinion of Dutch experts, absolutely necessary if Holland, in case of a war in the North Sea, wished to prevent her country's waters from sheltering the beaten or dispersed portion of a combatant's fleet. Flushing possessed both a large port as well as a convenient roadstead, and in rendering this position impossible of access to foreign men of war his country was acting perhaps even more against German than against British interests. But she was not fortifying against any one power but only in her own interests.

His Excellency went on to say that he believed the Netherlands Minister of War intended to explain the technical points of the fortification scheme to the States General in the near future. As regards the contention of the Belgian and French Press that the fortification of Flushing was directed against the possibility of relief reaching Belgium from the sea in case of an attack by land on Belgian neutrality, His Excellency said that, firstly, he did not think that the guns of the proposed fortifications could block access to the mouth of the Scheldt, and secondly Flushing had been fortified for many years and the possibility of its being still more strongly fortified had been discussed for several years and no one had ever hinted until the last few weeks that if such fortifications were erected they would be aimed against the would-be protectors of Belgian neutrality.

I told His Excellency that during the last eighteen days, during which I had been on leave, I had heard nothing official about these questions and I said that as far as I knew the British Press had been extremely moderate in their language compared to the Belgian and French newspapers.

Monsieur van Swinderen replied that he agreed that the British Press had not shown the excitement manifested by the foreign Press, but he added that His Majesty's Government would he thought soon find that the French fireworks would be

⁽¹⁾ [Not reproduced, as the relevant section merely summarises the information contained in the documents printed.]

attributed to British wires by a portion of the Continent. He was himself most anxious that the Netherlands should be on good terms with Great Britain.

I said very little in reply, merely stating that I should have much pleasure in reporting His Excellency's remarks to you, Sir Edward. On taking my leave Monsieur van Swinderen again most earnestly assured me that his countrymen were only striving to place themselves in a position to preserve a consistent attitude of complete neutrality to all other nations.

I have, &c.

ALAN JOHNSTONE.

MINUTES.

It is very unfortunate that the question was raised in the French Chamber as it may have the effect of killing opposition to the scheme in Holland.

In 1825, in reference to the freedom of the *Rhine*, we informed the Dutch Gov[ernmen]t that "no one would think of denying to the Netherland Gov[ernmen]t (measures for) the protection of its own territory," and we were supported by Austria, Prussia, and Russia, as well as by France (Sir C. Bagot, No. 12, Oct[ober] 28, 1825),(2) and, by article 9 of the Treaty of 1839 between Belgium and the five Powers,(3) the stipulations of the Congress of Vienna (articles 108-117)(4) resp[ectin]g the *Rhine* were expressly extended to the *Scheldt*. It is therefore quite clear that juridically we have no right whatever to impede the fortification of Flushing.

It was in reference to the stipulations made at Vienna in 1815 that our communication to Holland in 1825 was made.

A. P.

January 26, 1911.

Copy Admiralty }
D.M.O. } Conf[identia]l.
C.I.D. }

M. van Swinderen forgets what he told Sir G. Buchanan on Oct[ober] 19 last (see the latter's despatch No. 143 of Oct[ober] 20, No. 38578).(5) He then said:

"It was but natural that the German General Staff should take account of the state of the coast defences, and that the views which they held respecting the inadequate character of those defences should be known to his government."

In the face of this frank avowal it is really absurd to go on pretending that Holland has in no way been influenced by Germany.

A memorandum is being prepared, and will shortly be ready,(6) going more fully into the whole question, but it is unlikely that the investigation into the facts of history will dispel our first impression that we have, internationally, no "locus standi" whatever for objecting to the fortification of Flushing.

E. A. C.

Jan[uary] 28.

There seems to be a general impression that M. Pichon's reference to the question was unfortunate.

W. L.

A. N.

E. G.

(2) [v. F.O. Holland and Netherlands 140. The wording of the sentence quoted varies slightly from the original, but the sense is correct.]

(3) [v. *B.F.S.P.*, Vol. 27, pp. 994-6, and E. Hertslet: *Map of Europe by Treaty*, (1875), Vol. II, pp. 986-8.]

(4) [v. *B.F.S.P.*, Vol. 2, pp. 52-4, and Hertslet: *op. cit.*, Vol. I, pp. 269-72.]

(5) [v. *supra*, pp. 670-1, No. 571.]

(6) [v. immediately succeeding document.]

No. 590.

Memorandum by Mr. Parker respecting the proposal to fortify Flushing.

F.O. 3451/44/11/29.

Foreign Office, January 30, 1911.

The proposal to fortify Flushing, as contemplated in the Dutch Defence Bill, raises certain questions of international interest as to the effect of such a measure upon the free navigation of the River Scheldt and the maintenance of Belgian neutrality, which is guaranteed *individually and collectively* by Great Britain, Prussia, Russia, Austria and France; while, incidentally, the proposal has

led to discussion respecting the precise *status*, according to treaty stipulations, of Antwerp.

The whole subject will, as has been pointed out elsewhere, require careful consideration from strategical and political aspects under prevailing conditions; this memorandum deals solely with the historical and juridical position,—the aim in view being to summarise the policy of Great Britain during the present century, and to draw attention to international conventions in so far as they affect the points at issue.

The question is discussed under the following headings:—

- 1). The free navigation of the River Scheldt.
- 2). The *status* of Antwerp.
- 3). The position at Flushing.
- 4). The neutrality of Belgium.

For facility of reference a map, showing a portion of the River Scheldt and the boundary between Holland and Belgium in the region in question, is annexed.⁽¹⁾

1). *The free navigation of the River Scheldt.*

During the Congress of Vienna general regulations were drawn up (in March 1815) for the free navigation of rivers, and special regulations were drawn up for the navigation of the Rhine, it being expressly laid down that the same freedom of navigation which was granted for the Rhine should be extended to the Scheldt and other rivers, specifically named, from the point where each became navigable, to the sea. Article 2 of the general regulations was as follows:—

“The navigation of rivers along their whole course, from the point where each of them becomes navigable to their mouth, shall be entirely free, and shall not, in respect of commerce, be prohibited to anyone, it being, however, understood that the regulations established with regard to the police of this navigation shall be respected, as they will be framed alike for all and as favourable as possible to the commerce of all nations.”

These regulations are annexed, as act No. 16, to the General Treaty of the Congress of Vienna; and, by articles 117 and 118 of that Treaty, act No. 16 is declared to have the same force and validity as if it were inserted word for word in the General Treaty.

Treaty of Vienna, Articles 108 to 118 (inclusive).⁽²⁾

In October 1815, the Netherlands became a party to these engagements, by the act of accession to the General Treaty.

Act of October 20, 1815.

On April 19th, 1839, treaties for the separation of Belgium from the Netherlands were concluded by the five Great Powers of Europe a) with the Netherlands and b) with Belgium. In pursuance of these treaties the Netherlands and Belgium concluded, on the same date *and under the guarantee of the Great Powers*, a treaty which is still in force, and of which article 9 (extract) is as follows:—

“Les dispositions des articles 108 jusqu’au 117, inclusivement, de l’Acte Général du Congrès de Vienne, relatives à la libre navigation des fleuves et rivières navigables, seront appliquées aux fleuves et rivières navigables qui séparent ou traversent à la fois le territoire Belge et le territoire Hollandais.

“En ce qui concerne spécialement la navigation de l’Escaut et de ses embouchures, il est convenu que le pilotage et le balisage, ainsi que la conservation des passes de l’Escaut en aval d’Anvers, seront soumis à une surveillance commune, et que cette surveillance commune sera exercée par des commissaires nommés à cet effet de part et d’autre (viz by Holland and Belgium). Des droits de pilotage modérés seront fixés d’un commun accord, et ces droits seront les mêmes pour les navires de toutes les nations. . . .”

(1) [Not reproduced.]

(2) [*v. B.F.S.P.*, Vol. 2, pp. 52–4, and Hertslet: *op. cit.*, Vol. I, pp. 269–73. Act No. 16 is in *ib.*, pp. 75–93.]

The article further contains stipulations regarding the tolls to be levied by the Dutch on the Scheldt; and the final section of the same article is as follows:—

“ Si des évènements naturels, ou des travaux d'art, venaient par la suite à rendre impraticables les voies de navigation indiquées au présent article, le Gouvernement des Pays Bas assignera à la navigation Belge d'autres voies aussi sûres et aussi bonnes et commodes, en remplacement des dites voies de navigation devenues impraticables.”⁽³⁾

By the boundary treaty between the two States of November 5th 1842,⁽⁴⁾ it was stipulated that the Thalweg of the Scheldt should form the boundary between the Belgian province of Antwerp and the Dutch province of Zeeland.

In 1863 (July and September) treaties were concluded between Belgium and the Great Powers, and Belgium and the Netherlands, providing for the redemption of the Scheldt toll: in article 1 of the treaty concluded on July 16th 1863,⁽⁵⁾ it was expressly laid down that the suppression of the toll in no way affected the validity of the other arrangements of the Treaty of April 19th, 1839 (*vide supra*).

In 1875 a Danish vessel, the “Phoenix,” was stopped by a Dutch gun-boat in the Scheldt for running down a Dutch vessel and refusing to pay the damages claimed by the owners; the matter was amicably settled as between the Dutch and Danish Governments, but the Belgian Government were not a little disquieted, and made representations to the Powers, on the ground that the seizure did not take place in a Netherlands port, nor in Netherlands waters exempt from all international obligations, but in the channel of the Scheldt forming the communication between the sea and Antwerp. No definite action seems to have resulted on this occasion from the representations of the Belgian Government; but, in a memorandum written by Sir E. Hertslet at the time, a view is taken of the question more favourable to the Dutch than to the Belgians; and the opinion is quoted of Dr. Abdy, as stated in his notes on Kent's commentaries, that one of the principles well established with regard to the free navigation of rivers is that “while the free navigation of rivers running through or bounding several States is maintained, the Riparian States may exercise rights of sovereignty in such rivers”: at the same time it is added that Dr. Abdy cannot be regarded as a recognised authority.

It would seem that the Dutch were as a matter of fact within their rights in seizing the “Phoenix,” since article 2 of the general regulations drawn up at Vienna in 1815 and already quoted, distinctly contemplated the exercise of measures of police on free rivers, and that they should be exercised by the local authorities of the Riparian States.

Moreover, the following point is of interest as bearing both on the “Phoenix” incident and upon the right of the Dutch to fortify Flushing, it being borne in mind that, accordingly [*sic*] to the Treaties, as already indicated, the position of the Scheldt is assimilated to that of the Rhine:—

After the Treaty of Vienna the attitude of the Netherlands respecting freedom of navigation on the Rhine was very obstructive, and led to strong and collective representations on the part of the Powers on repeated occasions: the correspondence on the subject is very voluminous, but the arguments against the contentions of the Netherlands Government were stated in great detail in a note presented by the British Minister at the Hague in 1825, and the representations of the British Government were supported entirely by all the other Great Powers.

The note in question admitted that the right of sovereignty of the Netherlands over the sea adjoining its own territory was not disputed, and that the design of the Congress Treaty (1815) was not opposed to any rights of sovereignty which it might be necessary to exercise for the protection of the Netherlands territory.

⁽³⁾ [*v. B.F.S.P.*, Vol. 27, pp. 994-6, and Hertslet: *op. cit.*, Vol. II, pp. 986-8.]

⁽⁴⁾ [*v. B.F.S.P.*, Vol. 31, pp. 815-41.]

⁽⁵⁾ [*v. B.F.S.P.*, Vol. 53, p. 12, and Hertslet: *op. cit.*, Vol. II, p. 1553.]

Mr. Lumley,
No. 185,
Oct[ober] 24th,
1875.

[Confidential
paper No. 2874
(Sir E.
Hertslet).]

Sir C. Bagot,
No. 14,
Oct[ober] 28th,
1825.

Mr. L. Hertslet's
Memorandum
of November
1852, (No. 262).

In the face of this admission, it would be difficult to maintain that the Powers have any treaty right to prevent the fortification of Flushing.

2). *The status of Antwerp.*

It may be urged that the position of Antwerp has no obvious relation to the question of fortifications at Flushing: the point is however pertinent to the present discussion, inasmuch as it has been contended in certain organs of the Dutch press that any restrictions upon Dutch sovereignty over the Scheldt, in so far as they might be held to apply to the strengthening of Flushing, must be relaxed owing to breach of treaty obligations involved in the fortification of Antwerp. Without pausing to examine the cogency of this argument, it may suffice to furnish a statement of fact as to the premiss upon which it is based.

Before the departure of Lord Castlereagh from London for the Congress of Chatillon a memorandum was delivered to him for his information and guidance: he was instructed to declare that one of the conditions, *sine quâ non*, upon which G[rea]t Britain could venture to divest herself of her recent conquests, was the absolute exclusion of France from any naval establishment on the Scheldt, and especially at Antwerp.

Memorandum,
December]
26th, 1813 (Most
Secret).

[For]i
Castlereagh,
No. 26, Cham-
mount, March 4,
1814.

In the treaty for the suspension of hostilities, signed at Paris on May 30th, 1814, it was accordingly stipulated (article 15)⁽⁶⁾ that Antwerp should, for the future, be solely a commercial port; and the regulation of details was postponed to the Congress of Vienna.

[Foreign]
Office]
Memorandum,
No. 1512
Confidential, 1,
February] 15,
1855.

At the Congress of Vienna a Commission was appointed to deal, *inter alia*, with the conversion of Antwerp into a commercial port: and the Duke of Wellington, in accordance with the views of the British Admiral Martin, had urged the destruction of certain works, including the entrenched camp above the citadel and the basins.

Duke of
Wellington,
No. 5, Vienna,
March 3, 1815.

At the same time His Grace urged upon His Majesty's Gov[ernmen]t that the arguments against the destruction of the basins, which would have to be replaced by others for commercial purposes, and against the destruction of the line of works to the north, which was absolutely necessary for the defence of the town, were very strong, and that he was opposed to such demolition.

The Board of Admiralty concurred in the views of the Duke of Wellington; and finally at Vienna it was agreed that the consideration and execution of what should be destroyed should be referred to commissioners appointed by the British and Dutch Governments.

Duke of
Wellington,
No. 17, Vienna,
March 21, 1815.
To [Duke] of
Wellington,
No. 8, March
26th, 1815.

The arrangements respecting Antwerp were not recorded in the General Treaty of the Congress of Vienna, as it was thought there, and the British Plenipotentiary concurred, that the necessary measures should be immediately executed without being rendered public. The report of the commission which considered the question was, however, adopted in General Conference, and admitted as an article in one of the Protocols, and the following extract may be quoted:—

Lord Clancarty,
No. 20, Vienna,
April 15, 1815.

“ Les puissances ayant stipulé dans le XV^e article du Traité de Paris que, dorénavant, le port d'Anvers sera uniquement un port de commerce, le mode le plus simple pour l'exécution de cette stipulation sera sans doute de résoudre la destruction totale de tous les ouvrages, les fortifications, les quais, les bassins etc., qui ont été érigés ou construits sous les ordres de Bonaparte, dans la vue de rendre le port d'Anvers un arsenal de guerre maritime, et une place pour la construction, l'équipement et le maintien des vaisseaux de guerre. Mais la Commission a l'honneur de soumettre au jugement éclairé de leurs Excellences Messieurs les Plénipotentiaires des Hautes Puissances signataires du traité que quelques uns de ces ouvrages pourront être jugés essentiels pour la défense de la place, et que parmi les autres il pourrait s'en trouver qui, utiles toutefois au

Protocol of
March 29, 1815.

⁽⁶⁾ [v. *B.F.S.P.*, Vol. 1, p. 164, and Hertslet: *op. cit.*, Vol. I, p. 12, and v. *infra*, p. 700, note (7), for article 14.]

commerce, en même temps qu'il serait peut-être praticable de les rendre inapplicables aux objets d'une marine militaire, pourrait être maintenus pour tous les objets légitimes d'une marine commerciale. . . ."

Similarly the following articles, for the guidance of the British and Dutch commissioners appointed to superintend the measures at Antwerp, were embodied in the same Protocol, which was signed by the Plenipotentiaries of all the Powers at the Congress of Vienna:—

“ Que les Gouvernements de l'Angleterre et des Pays Bas seront tous les deux invités à nommer immédiatement chacun un commissaire, qui se réuniront sans délai à Anvers, et arrangeront entre eux :—

“ 1.) Lesquels seraient les objets à détruire totalement, comme le camp retranché et autres, *pas nécessaires pour la défense de la place?*

“ 2.) *Quels sont ceux à conserver comme essentiels à cette défense?*

“ 3.) Quels sont ceux qui, en même temps qu'ils pourraient être maintenus comme utiles au commerce, pourraient être également rendus inapplicables au service marine militaire?

“ 4.) Que les commissaires procéderont sans délai à diriger la destruction totale *ou partielle*, selon leurs arrangements, de tous les ouvrages destinés par leur accord à cet effet, etc. . . .”

From the words underlined it will be seen that the total destruction of fortifications at Antwerp was not provided for at the Congress of Vienna: such works as were necessary for the defence of the town against attack were to be retained,—the sole object in view being that the port should not be a naval arsenal.

There is, therefore, nothing inconsistent either with the treaty of Paris (1814) or the stipulations of the Congress of Vienna, in the fortification of Antwerp.

What passed immediately prior to and during the Congress of Vienna has been indicated in some detail, because, apart from the aspect of treaty obligations, it is interesting to recall that it was in deference to the views of the British Government that Antwerp was made solely a commercial port; and, in this connection, and with reference to the apprehension that the proposed fortification of Flushing may be due to German inspiration, it does not seem out of place to state the opinion of the Duke of Wellington, as recorded in his despatch No. 5 of March 3rd 1815, as to the circumstances in which the establishment of a naval arsenal on the Scheldt, and under the control of a great European Power, would be a source of danger to Great Britain.

His Grace was inclined to believe that what made Antwerp formidable to Great Britain as a port of naval equipment was that it was in the possession of France at the same moment that she was in possession of the course of the Rhine and of Holland. He added that Holland was bound by treaty, and would probably be induced by a sense of interest, not to make Antwerp a port of naval equipment; but that even if Holland should break her treaty, and ships of war should ever be built at that port, instead of at Flushing or elsewhere, Antwerp could not, under Dutch control, be considered as formidable to Great Britain.

When Belgium was separated from Holland it was provided, both in the treaty of 1831 and in those of April 1839 (article 14), that the port of Antwerp, in conformity with the stipulations of the treaty of Paris (1814), should continue to be solely a port of commerce.⁽⁷⁾

In 1859 a system of concentrated defence was definitely adopted in Belgium, and several fortresses were demolished: Antwerp was converted into a great central fortress and entrenched camp; the idea being that the Belgian army, if outnumbered, could fall back upon that place and then hold out until succour arrived. This system of defence was described by General Brialmont in 1866 as one of the best in Europe.

(7) [v. *B.F.S.P.*, Vol. 18, p. 658, and Hertslet: *op. cit.*, Vol. II, p. 867, for Article 15 of the Treaty of London of November 15, 1831; *B.F.S.P.*, Vol. 27, p. 997, and Hertslet: *op. cit.*, Vol. II, p. 990, for Article 14 of the Annex to the Treaty of London of April 19, 1839.]

3). *The position at Flushing.*

Flushing was fortified at any rate as far back as 1809, for the British, on leaving Walcheren after the expedition of that year, destroyed the fortifications.

In the following year Napoleon built stronger fortifications there, and at the fort of Breskens opposite.

There is nothing in the Treaty of Vienna prohibiting the fortification of Flushing; on the other hand the Duke of Wellington, in the despatch from Vienna already quoted, considered the contingency of Holland violating the treaty obligations and building ships of war at Antwerp *instead of at Flushing or elsewhere*, thereby, it would seem, admitting by implication that there was nothing at that time to preclude Holland from using Flushing as a naval arsenal.

It is stated in the *Gazetteer of the World*, published in 1856, that Flushing was then fortified, and that the batteries swept the mouth of the Scheldt, but that its width (3 miles) prevented them from having complete command of it.

In 1873 it was converted from an arsenal into a commercial port: and in 1874 and 1875 H[is] M[ajesty's] M[inister] at the Hague reported that it was no longer garrisoned, but was about to become (sic) a great mercantile port. He added that the Dutch Gov[ernment] were strongly impressed with the value of Flushing; but he does not state whether this was on naval or mercantile grounds or both, confining himself to a personal expression of opinion that "the time had arrived for strengthening its temporary defences."

Brockhaus'
Encyclopædia.
Sir E. Harris,
No. 47, 1874;
No. 141, 1875.

The preceding paragraph does not appear wholly consistent; but there seems reason to believe that Flushing has never been entirely divested of means of defence, and the War Office would doubtless possess definite and precise information as to the existing state of affairs there.

4). *The neutrality of Belgium.*

It has been urged in the public press that one of the principal reasons against the fortification of Flushing is that it would render it difficult, if not impossible, for the Powers who have guaranteed the neutrality of Belgium to come to the succour of that country by means of a naval force having Antwerp, the great central fortress, as its destination. Strong arguments have been advanced, notably in an article published in the "Times" of December 21st, 1910, as to the military inconvenience which would result in regard to the operations the guaranteeing Powers might have to undertake in order to maintain the neutrality of Belgium if, instead of ascending the Scheldt, they were obliged to effect a landing at Ostend or Zeebrugge.

It is a question for military experts to determine whether or not it would render it impossible for Great Britain to fulfil her contractual obligations as to the neutrality of Belgium if she were precluded from access to Antwerp by sea; but if this proposition should be answered in the affirmative, it would then have to be determined whether it is permissible to limit the sovereignty of one State for the purpose of safeguarding the neutrality of another, and also whether it is a probable contingency, if the neutrality of Belgium should be violated, that Holland would side *with* the nation thus infringing treaty stipulations and *against* Great Britain intent upon upholding those stipulations.

These are strategical and political considerations which, as has been stated, are beyond the purview of this paper: but it may not be out of place to recall what is the position of Holland with regard to Belgian neutrality under the treaties of 1839.

On April 19th 1839 Holland concluded a treaty with Belgium, of which article 7 was as follows:—

"La Belgique, . . . , formera un Etat indépendant et perpétuellement neutre. Elle sera tenue d'observer cette même neutralité envers tous les autres Etats."⁽⁸⁾

⁽⁸⁾ [v. *B.F.S.P.*, Vol. 27, pp. 994 and 1000, and Hertslet: *op. cit.*, Vol. II, pp. 985 and 994.]

The whole of the treaty between Holland and Belgium was declared, in treaties concluded on the same date by the five Great Powers with Holland and Belgium respectively, to have the same force and validity as if the articles were textually inserted in the treaties signed by the Great Powers with the two countries, and to be thus placed under the guarantee of the Great Powers.

It would thus appear that Holland, though not bound to take active measures to uphold the neutrality of Belgium, is expressly engaged to respect that neutrality, and to take no action calculated to impede the Powers involved in its maintenance.

The nature of the obligations of Great Britain in relation to the neutrality of Belgium have [*sic*] recently been very fully discussed in a separate departmental memorandum, dated November 15, 1908, and it is accordingly not proposed to deal with the matter in detail in the present memorandum; but it may be convenient to quote the following extract from a *précis*, enclosed in a despatch from H[is] M[ajesty's] Minister at Brussels, of a debate which took place in the Belgian Chamber in March 1887, as showing the Belgian view of those obligations:—⁽⁹⁾

Extract from Précis of Debate in Belgian Chamber.

In 1815, when the Kingdom of the Netherlands was constituted, the frontiers were guarded by a strong chain of fortresses, directed against the Power which at that time was the most to be feared, and the assistance of the allies was promised in defending them.

After the revolution of 1830, when Belgium was left to her own resources, the Great Powers engaged to respect and guarantee her neutrality.

Doubts have been cast, during the recent panic, on this guaranteed neutrality; it has been declared to be almost valueless, and quite unworthy of consideration.

What are the real facts as to this neutrality?

There are different kinds of neutrality: voluntary and involuntary, armed and unarmed neutralities, neutralities with collective or with individual guarantees. As an instance of a disarmed neutrality, M. Frère-Orban cited the Grand Duchy of Luxemburg:—

In 1867 a dispute, which nearly led to war, arose between France and Germany respecting the fortress of Luxemburg. The Powers intervened, and declared that the fortress should be razed and the Grand Duchy neutralized. But in a later Protocol the Powers declared that the disarmament clause should not be interpreted as preventing the development of the military forces of other neutral States, a declaration specially referring to Belgium, which is protected by an armed neutrality.

The Luxemburg Treaty of 1867 was communicated to the British Parliament, and Lord Derby explained what Her Majesty's Government understood by their guarantee of Luxemburg.

Lord Derby.

“If it had been a continuance of the guarantee first given, I should think it a very serious matter, because the guarantee of the possession of Luxemburg to the King of Holland was a joint and several guarantee similar to that which was given with regard to the independence and neutrality of Belgium; it was binding individually and separately upon each of the Powers. That was the nature of the guarantee which was given with regard to Belgium and with regard to the possession of Luxemburg by the King-Duke. Now a guarantee of neutrality is very different from a guarantee of possession. If France and Prussia were to have a quarrel between themselves, and either were to violate the neutrality of Luxemburg by passing their troops through the Duchy

⁽⁹⁾[The original of this memorandum, which is signed by Mr. Parker, is in typescript to this point. The remainder consists of a printed text pasted over the sheet. This print contains summaries only of the extracts from *Parliamentary Debates*. The *Confidential Print*, however, reproduces the extracts in full, and this has been done above also.]

for the purpose of making war on the other, we might, if the guarantee had been individual as well as joint, have been under the necessity of preventing that violation, and the same obligation would have rested upon each guarantor; but as it is we are not exposed to so serious a contingency, because the guarantee is only collective—that is to say, it is binding only upon all the Powers in their collective capacity; they all agree to maintain the neutrality of Luxemburg, but not one of those Powers is bound to fulfil the obligation alone.”

Lord Clarendon replied:—

“I look upon our guarantee in the case of Belgium as an individual guarantee, and have always so regarded it; but this (the guarantee in the case of Luxemburg) is a collective guarantee.”

“Hansard's
Debates,”
vol. clxxxviii,
page 150
sic 152.

Again, in 1870, when England made treaties with both France and Germany for the defence of Belgian neutrality, the then Government and Opposition both concurred in maintaining the validity of the Treaty of 1839.

Lord Granville, in an important Ministerial statement, explained why Belgian neutrality was a matter to which England attached the greatest importance; and Lord Cairns, the leader of the Opposition, summarised the situation as follows:—

“Hansard,
vol. 203,
page 1671.

Lord Cairns.

“I cannot—although any approval on my part must be of little consequence—withhold my expression of approval at the object which His Majesty's Government had in view in the negotiations (Treaty with France and Prussia) in which they had been engaged—an object which has put an end to any doubts, if such could exist, that they are prepared to maintain the engagements of the Treaty of 1839—engagements which do not concern the honour more than they concern the interests of England. There is also, I think, no doubt that of all ways, that most calculated to avoid the dire necessity of war, is to announce at the very commencement the intention of the Government on a matter of this kind—to allow it to be known that this country is determined to adhere to her engagements, and will treat any violation of the engagements of the other signatories, parties to the Treaty of 1839, as a just and proper cause of war.”

“Hansard's
Debates,”
vol. cciii,
page 1747.

Lord Stratford de Redcliffe was not less explicit:—

“What strikes me as manifest is that we are greatly indebted to the Government for the care they have taken to meet the requirements of the honour and interests of the country by redeeming the pledges which were given in the Treaty of April, 1839, at the same time that they have endeavoured to guard us from the dangers of being eventually involved in the horrors and calamities of war.”

“Hansard's
Debates,”
vol. cciii,
page 1760.

In the Lower House Mr. Gladstone declared that the neutrality and independence of Belgium must be respected:—

“But we have an interest in the independence of Belgium which is wider than that—which is wider than that which we may have in the literal operation of the guarantee. It is found in the answer to the question whether, under the circumstances of the case, this country, endowed as it is with influence and power, would quietly stand by and witness the perpetration of the direst crime that ever stained the pages of history, and thus become participators in the sin.”

“Hansard's
Debates,”
vol. cciii,
page 1788.

Pointing out that English support had never yet, under any circumstances, failed Belgium, M. Frère-Orban asked what interest could she have in weakening the position

created for her by English statesmen, who had declared that their honour and interest were alike concerned in maintaining the neutrality and independence of Belgium.

This did not, however, relieve her from the obligation of arming to defend her neutrality, and of organising her forces so as to be able to make a good fight, even should the promised support fail her.

ALYWN PARKER.

Foreign Office, January 30, 1911.

MINUTES.

Mr. Parker has gone very thoroughly into the historical facts which are essential for a proper understanding of the controversy.

It seems to me quite clear that the Netherlands government are fully entitled to erect what fortifications they like at Flushing. In case of war, Holland has the same right as any other independent State, to defend her territory by such defences on the coast and elsewhere, as she may think necessary.

The free navigation of the Scheldt, as stipulated for in the treaty of Vienna, is the navigation by peaceful merchant vessels. The treaty does not deal at all with the question of the use of the river by men-of-war whether during peace or in times of war, whether by belligerents or by neutrals. The question therefore whether or not Holland would have the right, at a time when she herself is neutral, to bar access to Antwerp to a British (or French) naval force despatched for the purpose of defending Belgian neutrality against a foreign (i.e. German) invader, is one which must be settled by reference not to the treaty stipulations respecting the free navigation of the Scheldt, (by merchantmen in time of peace) but to the general principles of international law.

In ordinary circumstances not only neutral, but even belligerent warships are allowed to pass freely through the "maritime belt" of territorial waters of neutral States, but I fancy this is allowed as of comity, not as of right, except as regards such portions of the maritime belt as "forms part of the highways for international traffic" (Oppenheim i, p. 312). This rule certainly applies to the narrow waters connecting two distinct sea-basins, such as the Sound, between North Sea and Baltic. But the estuaries of rivers, even of "international rivers" like the Scheldt, do not fall within that category.

It is perhaps open to argument, whether Holland when at peace, would be entitled to forbid the access to the Scheldt to foreign belligerent warships on the way to Antwerp, so long as no act of belligerency were committed within Dutch territorial waters. It might be pleaded that Holland, by merely allowing such passage, would not lay herself open to the charge of a violation of neutrality. But the belligerent against whom Antwerp was, in the hypothesis, to be defended, might take a different view. He might urge that a Power through whose territory runs the lower course of a river giving access to another country, would not be fulfilling the obligations of a neutral if it allowed a belligerent fleet to pass up the river into the territory of other riparian States; and I think it would be difficult to contest the correctness of this view as a general proposition.

There remains the question whether the peculiar situation of Belgium as a neutralized State under the guarantee of five Great Powers (a guarantee solemnly recognized by Holland) affects the problem. I think it does.

It seems to me that if the neutrality of Belgium were violated by the invasion of a German army, and Belgium appealed to the other Guaranteeing Powers for armed assistance, Holland would be bound not to obstruct the rendering of such assistance. I think it could be argued with some effect that if in such circumstances a British naval force, or a military force escorted by ships of war, desired to enter the Scheldt for the purpose of succouring Antwerp, or for landing a field army, Holland would not be bound by the laws of neutrality to close the river against such an expedition.

Yet I doubt whether this view is so obvious as to be altogether incontrovertible. Holland might take a different view. In this she might well be influenced by Germany. Not that Germany could appeal with any force to the sanctity of the obligations of neutrality at a moment when she is herself engaged in violating the neutrality of Belgium. Germany would be likely to intimate very simply that if Holland did not bar the river Scheldt, her territory would be occupied by German troops. I shall recur to this aspect of the question presently.

Before however doing so, it may be pointed out that the fortification of Flushing in itself need not imply any intention on the part of Holland to close the river to a force coming to the aid of Belgium in the defence of the latter's neutrality. Holland may have no desire at all to use the Flushing fortifications for that purpose, and may yet think it necessary that such fortifications should exist. They may be designed genuinely for the defence of Holland herself against attack, and for preventing the seizure of Flushing itself by any possible enemy. Even therefore if the argument in favour of the Scheldt remaining open for a force making for

Antwerp were fully admitted, this would furnish no adequate ground for objecting to the fortification of Flushing.

On these points, involving as they do, important questions of international law, Sir Edward Grey may desire to have a legal opinion.

Apart from all this, the matter has a serious political aspect and therefore requires looking at also from a general political point of view.

What, in the first instance, is the position of Holland? We have every reason to believe that she has received some sort of intimation from Germany that in case of an Anglo-German war, England may make an attempt to seize some Dutch ports.⁽¹⁰⁾ It is not very material whether Holland herself believes in the reality of this danger. It is certain that Germany believes it. Now it is to Germany's interest that, in a war with England, she should have in Holland a neutral neighbour. This will secure to her the free entry of her commerce in neutral bottoms by Rotterdam and Amsterdam. It is also Holland's interest to remain neutral. Germany has evidently given Holland to understand that unless Holland can practically guarantee that any English attempt on Dutch ports will be prevented or beaten back, Germany may feel compelled, as a matter of necessary precaution, herself to occupy Holland. Apparently the strengthening of the Dutch sea-defences would quiet these German apprehensions. Holland has reason to believe that Germany's professions of goodwill (if Holland's neutrality is assured against even an English attack) are quite genuine, because Germany's interest in keeping Holland neutral is recognized. If, therefore Holland is able to put an end to all danger of a German occupation arising out of an Anglo-German war, by yielding to Germany's demand for a strengthening of her sea defences, she is acting in her own interest in doing so.

This being so, Great Britain is not in a position, seeing that she has no treaty right to appeal to, to find fault with Holland's decision to fortify her coasts, unless she is able and prepared, on her part, to guarantee Holland against a German occupation. If we were able to do that, and actually offered to do it, then indeed we might remonstrate with Holland on the ground that her action showed a mistrust against England and an unmistakable leaning towards Germany, which, in the circumstances we can only regard as unfriendly. As it is, as nothing that we can do, would prevent Germany from occupying Holland, it seems to me that we have no business to prevent Holland from taking such measures as to her appear best calculated to obviate that danger, so long as those measures involve no breach of international law.

But there is more than that: If it is a German interest that Holland should be neutral in an Anglo-German war, it might appear at first sight that British interests would be served by Holland giving up the position of a neutral. No doubt if Holland, on ceasing to be neutral, were to become the ally of England, and could England successfully make use of Dutch territory in conducting the war against Germany, there might be something to be said for this arrangement from the British point of view. But it may be asserted with little hesitation that from the moment Holland ceased to be neutral, she would be overrun by Germany, who would not only occupy her territory but would use all the Dutch ports for her own naval purposes. It is no doubt true that we should gain at the moment by being free to blockade the Dutch coast and so throttle all neutral trade with Germany by the Rhine. But ultimately it is only too likely that we should be the losers. For at the end of a war during which Holland had been in German military occupation, it is to be feared that Germany would emerge with a greater hold over Holland than ever before, and we might be forced to accept some arrangement by which closer ties were established between the two countries that had been fighting together against us, and by which Germany might in some guise de facto establish herself for good in the Dutch ports. Probably this eventual danger would altogether outweigh any temporary advantages we might derive from having during the war a hostile Holland which we could blockade.

If I am right in concluding that it is to our interest to see Holland remain neutral during an Anglo German war, then it would not be wise for us to stand in the way of Holland safeguarding her neutrality from the only danger threatening it, by erecting the coast defences which apparently would keep Germany quiet.

The considerations which I have put forward may of course be open to criticism from the military and naval, that is the strategical, point of view. I understand that the Committee of Imperial Defence is examining into the question, which it is very desirable they should review not merely with reference to the defence of Belgium by means of entering that country through Antwerp, but also with reference to the equally important problem of the neutrality of Holland in an Anglo-German war.

E. A. C.
Jan[uary] 31.

⁽¹⁰⁾ [Footnote added to the printed copy of these minutes: "This is borne out, notwithstanding the repeated *démentis* of the Netherlands Minister for Foreign Affairs, by the statement made by His Excellency to His Majesty's Minister at The Hague on the 19th October, 1910, that—

'It was but natural that the German General Staff should take account of the state of the coast defences, and that the views which they held respecting the inadequate character of those defences should be known to his Government.'"]

It appears to be clear from Mr. Parker's memo[*random*] and Mr. Crowe's minute that the Dutch would violate no Treaty obligation by fortifying Flushing and would be strictly within their rights in doing so.

It is, however, open to us, I suppose, to adopt the view that the fortifications would so alter the *status quo* as to constitute a menace to our safety and to the neutrality of Belgium. We should in that case be justified in making representations and enforcing them if they were disregarded.

Mr. Crowe has given good reasons why this view might eventually turn out to be mistaken. At present there seems to be a good chance that the fortifications may never be made, and in the meantime Mr. Crowe's minute provides material for an answer, if one is required, to M. Cambon's inquiry respecting the Treaty of 1839.

W. L.

The memoranda of Mr. Crowe and of Mr. Parker are of value. Perhaps they should be printed for limited circulation in the Cabinet and for comm[unicatio]n to Adm[iralt]y, War Office and Imperial Defence.

A. N.

These are excellent papers. Circulate in print to Cabinet Committee and the Lord Chancellor. It is clear that we cannot object to Holland fortifying; but I would reserve the question whether, if she does fortify Flushing, she should not be asked to become party to something which would be an assurance not to interfere with Treaty obligations of Powers pledged to uphold neutrality of Belgium.

E. G.

No. 591.

Sir A. Johnstone to Sir Edward Grey.

F.O. 4505/44/11/29.

(No. 22.)

Sir,

The Hague, D. February 4, 1911.

R. February 7, 1911.

In the course of a debate on the Budget for 1911 which took place in the First Chamber of the States General on the 2nd instant, the Prime Minister, Monsieur Heemskerck, referred to the wish which had been expressed in many quarters in favour of the speedy introduction of a revised Militia Bill, and he hinted strongly at the probability of this Bill taking precedence of the Coast Defence Bill. The fact of the Coast Defence Bill having been presented to the Chamber before the Militia Bill, did not, Monsieur Heemskerck stated, necessarily mean to imply that the Government would put it first. On the contrary, it merely meant that it had been ready earlier. The Government would, he said, not neglect the mobile forces. The Militia Bill was almost ready and in accordance with the wishes of the Minister of War, the Government hoped soon to be able to present it to the Chamber.

Continuing his speech, Monsieur Heemskerck laid emphasis on the fact that the object of the Coast Defence Bill was the maintenance of the neutrality of the Netherlands against all comers without partiality for any one nation. This too was the prime duty of the army on the frontier. His Excellency then hinted at the possibility of the Government introducing certain modifications into the Coast Defence Bill, but explained that deference to the Second Chamber prevented him from touching on the subject before that Chamber had been consulted.

Count Bentinck and I have already reported the irritation caused here by the French and Belgian press criticisms of the proposed Coast Defences, but during the past few days the quietude of Foreign Press Organs has, I hope, helped to calm Dutch sentiment somewhat, and the Prime Minister's language evinces the possibility of the Defence Scheme being modified or even put off for the present. This possibility was reported from this Legation as being likely previous to the commencement of the violent Press Campaign against the fortification of Flushing.

I have, &c.

ALAN JOHNSTONE.

No. 592.

Question asked in the House of Commons, February 16, 1911.⁽¹⁾

Viscount Wolmer asked the Secretary of State for Foreign Affairs whether he would make any statement as to the views of His Majesty's Government on the proposed fortification of Flushing; and whether the existing treaties give Great Britain any right of intervention in the matter?

Sir E. Grey: No statement of the views of His Majesty's Government seems called for upon measures taken by a foreign Government to fortify its own frontier, in so far as these measures are purely defensive. If any international Treaty rights or obligations were incidentally to be affected, the question would be one for friendly discussion between the Powers who were parties to the treaty before any of them could pronounce an opinion.

⁽¹⁾ [*Parl. Deb., 5th Ser., House of Commons, Vol. 21, p. 1210.*]

No. 593.

Sir A. Johnstone to Sir Edward Grey.

F.O. 7191/44/11/29.

(No. 30.) Confidential.

The Hague, D. February 22, 1911.

Sir,

R. February 27, 1911.

I attended to-day the usual diplomatic reception at the Foreign Office and after discussing the question of the Russian emigrants detained at Rotterdam, to which I shall refer in a Commercial Despatch, Monsieur van Swinderen said suddenly to me that he was much pleased at your answer, Sir Edward, to the question in the House of Commons about the Flushing fortifications.⁽¹⁾ His Excellency contrasted it with Monsieur Pichon's utterances on the same subject⁽²⁾ which he said he could only attribute to the French Minister not having closely studied either the geographical or historical side of the question as he was apparently not aware that both banks of the Scheldt belonged to Holland.

His Excellency added that the Queen had spoken to him on the subject in terms of admiration at your logical and statesmanlike answer:

As you had stated your opinion about the fortifications in the House of Commons I did not think it desirable to make the declaration to His Excellency which I was instructed by your Despatch No. 4 of the 23rd ultimo⁽³⁾ to do if he referred to the subject again, and I contented myself by observing that I was pleased the Dutch Government were contented with your reply in Parliament.

I have, &c.

ALAN JOHNSTONE.

MINUTES.

In the circumstances, Sir A. Johnstone was clearly right in not starting a controversy. Since the whole question is now about to be considered dispassionately by the Committee of Imperial Defence, it might be well so to inform Sir A. Johnstone and to instruct him, pending the result, to avoid, as far as possible, expressing any opinion on the subject.⁽⁴⁾

E. A. C.

Feb[ruary] 27.

W. L.

A. N.

As a matter of fact my reference to possible discussion between the Powers was what M. Pichon said, but it suits M. Van Swinderen to object to one and not to the other.

E. G.

⁽¹⁾ [*v. immediately preceding document.*]

⁽²⁾ [*v. supra, p. 688, No. 582, encl.*]

⁽³⁾ [*v. supra, pp. 690-1, No. 585.*]

⁽⁴⁾ [*v. immediately succeeding document.*]

No. 594.

Sir Edward Grey to Sir A. Johnstone.

F.O. 7191/44/11/29.

(No. 14.)

Sir:—

Foreign Office, March 8, 1911.

I have received your despatch No. 30 of the 22nd ultimo⁽¹⁾ in which you report a conversation with the Netherland M[inister for] F[oreign] A[ffairs] on the subject of my recent statement in Parliament respecting the proposed fortifications at Flushing.

I approve your language to H[is] E[xc]ellency⁽²⁾ as reported in your despatch, and your not acting on my despatch No. 4 of Jan[uary] 23,⁽²⁾ in the circ[umstance]s.

The whole subject is about to be considered by the Committee of Imperial Defence; and in these circumstances and pending the result, it is desirable that you should avoid, as far as possible, expressing any opinion to the M[inister for] F[oreign] A[ffairs] in regard to it.⁽³⁾

[I am, &c.

E. GREY.]

⁽¹⁾ [v. immediately preceding document.]⁽²⁾ [v. *supra*, p. 690, No. 585.]⁽³⁾ [At its meeting on May 4, 1911, the Committee of Imperial Defence reached the following conclusion: "The fortification of Flushing does not affect British interests materially." (F.O. 18947/44/11/29.)]

No. 595.

Sir A. Johnstone to Sir Edward Grey.

F.O. 15132/44/11/29.

(No. 61.)

Sir,

*The Hague, D. April 19, 1911.**R. April 24, 1911.*

The Minister for Foreign Affairs informed me yesterday that when the Chambers resumed their sittings after the Easter holidays discussion would be continued on the Militia Bill, and that the Tariff Bill would be presented to the Second Chamber before the adjournment which would probably be at the end of June.

His Excellency said he did not anticipate that the Tariff would pass into law before the late autumn and he added that the Fortifications Bill would also be debated during the autumn session adding with some emphasis "you must not suppose that the Fortifications Bill will be allowed to drop."

I have, &c.

ALAN JOHNSTONE.

No. 596.

Sir A. Hardinge to Sir Edward Grey.

F.O. 16074/44/11/29.

(No. 51.)

Sir,

*Brussels, D. April 29, 1911.**R. May 1, 1911.*

I have the honour to transmit herewith a despatch as marked in the margin⁽¹⁾ addressed both to myself and to His Majesty's Minister at the Hague by the Military Attaché at both Legations and a pamphlet by the Dutch General, Jonkheer den Beer Poortugael, dealing with the question of the neutrality of the Scheldt.

I have, &c.

ARTHUR H. HARDINGE.

⁽¹⁾ [M. A. Holland 6.]

Enclosure in No. 596.

Lieutenant-Colonel Bridges to Sir A. Hardinge and to Sir A. Johnstone.⁽²⁾

Sir,

Brussels, April 28, 1911.

I have the honour to draw your attention to a brochure by Lieutenant-General den Beer Poortugael, a retired officer of the Dutch army and member of the Institute of International Law, on the subject of the neutrality of the Scheldt. (Copy enclosed.)⁽³⁾

Although written in a somewhat partial strain, the general's paper may be taken as representing a fairly large section of public opinion in Holland on the subject.

The main conclusions that he draws are as follows:—

1. That Holland alone has sovereign rights over that portion of the Scheldt which flows through her territory.
2. That the economic stipulations of the Treaty of London, 1839, do not affect these rights any more than the stipulations of the Treaty of Vienna in 1815, affecting the navigation of the Rhine, disturbed the sovereign rights of the Powers that owned the banks of that river.
3. That the free navigation of rivers prescribed by the Treaty of Vienna, 1815, and declared at the signing of the Treaty of Paris in 1856 as being a right of European peoples, applied only to commerce, and does not include war vessels which remain subject to the laws of the States concerned as to their admission to territorial waters, or, in the case of neutral States, to such dispositions as may have been made for the ensuring of their neutrality; or, failing such special provisions, to article 12 of The Hague Convention of the 18th October, 1907 (the twenty-four hours rule).
4. That, by the Treaty of 1839, Holland is obliged to recognise and respect Belgian neutrality, and recognise that she is aware of the guarantee of the same by the five Great Powers, but that her obligations go no further.
5. That, according to the Treaties of 1907, affecting neutrals, Holland has not only the right but also the duty of preventing the vessels of belligerents from using the Scheldt in time of war for war purposes, whether it be to attack Belgium or to help her.
6. That the maintenance of these rights and duties in nowise hinders the guaranteeing Powers from coming to the assistance of Belgium, since her coast-line offers harbours whence succour could reach her by quicker and surer routes than by way of the Scheldt.
7. That in a Franco-German war, Holland would have but small ground to fear a violation of her neutrality, especially from the East, while Belgium would be in great danger of the same, a fact that renders any kind of military understanding a very one-sided bargain.
8. That the danger to France of the proposed fort at Flushing exists only in the imagination, her real menace being the network of strategical railways being prepared in Belgium, Luxemburg, and Germany.
9. That, according to the stipulations of the Treaty of Paris, 1814, and the Treaty of London, 1839, Antwerp should be a purely commercial port, and if Belgium wishes for a navy she must make her military harbour elsewhere.
10. That, as the Congress of Vienna in 1815 resolved that the fortified camp of Antwerp and the other works not necessary for the defence of that place should be destroyed and rendered useless for a war fleet, it is unjust to

⁽²⁾ [The original of this despatch was sent to the War Office. The text given above has been taken from the *Confidential Print*.]

⁽³⁾ [Not reproduced. The contents are sufficiently indicated above.]

demand that Holland should give to foreign vessels of war free access to the Scheldt in time of war for the purpose of using Antwerp and its fortified camp as a base of operations.

In his final observations, the writer discusses the possibility of neutralising the Scheldt and finds a solution in a dismantled Antwerp and a fort at the mouth of the Scheldt with a mixed garrison of the guaranteeing Powers, Holland and Belgium. He concludes with platitudes in favour of the reduction of armament and obligatory arbitration.

It is interesting to note that the view is advanced that Belgium has only herself to thank for the difficulties in which she may become involved owing to the situation of her national keep so near the Dutch frontier and depending for existence on support from the open sea by way of the Scheldt. This complacency over the possible discomfiture of their southern neighbours is not uncommon in Dutch military circles.

The writer is apparently one of those Dutchmen who cannot or will not discriminate between the danger that is to be feared from Germany and that which might threaten their country from the side of Great Britain, regardless of the fact that it is, and must be, the policy of the latter country to uphold the lesser States and to refrain from conquest and adventure on the continent of Europe, while Germany's expectant attitude towards the Netherlands has become a byword in international strategy. He therefore weighs both countries in the same balance, and finds that the Dutch have as much to fear from the naval base at Rosyth as the English from the proposed fortification at Flushing.

I have, &c.

T. BRIDGES,

Military Attaché.

No. 597.

Lord Acton to Sir Edward Grey.

F.O. 23560/44/11/29.

(No. 88.) Confidential.

Sir,

The Hague, D. June 15, 1911.

R. June 16, 1911.

In continuation of my Despatch No. 86 of the 13th instant⁽¹⁾ relative to the Parliamentary situation I have the honour to report that I am informed by my Italian colleague that he was recently told by the Prime Minister that the Coast Defence Bill had originally been given precedence over the Militia Bill because it was proved by experience that parliament frequently clamoured for that which they had not yet got and declined to proceed with the measure submitted to them. Thus the Chamber when offered the Coast Defence Bill for examination by the Sections had expressed a preference for the Militia Bill and the examination of the latter had accordingly been given priority. This procedure had admirably suited the plans of the Government who attach primary importance to the Militia Bill. They had been compelled to introduce the Coast Defence Bill as part of their programme, but Monsieur Heemskerck intimated to the Duke of Calvello that if the measure never were to reach the Statute Book the Government would have little difficulty in recovering from their disappointment.

I venture to think that this statement, made by the Head of the Government to a Minister of a Power not directly interested in the armament of Flushing, may be taken to represent the position more accurately than the declaration of inflexible resolve repeatedly made to His Majesty's Minister by the Minister for Foreign Affairs, whose language was probably influenced by the nationality of his interlocutor.

⁽¹⁾ [Not reproduced. It described the Parliamentary situation and discussed the prospect of Government measures becoming law. (F.O. 23125/44/11/29.)]

The conversation above described took place some time previously to the parliamentary events reported in my earlier despatch, and the action of the Chamber in postponing the plenary discussion of the measure which had been submitted to them at their own request, is therefore not easy to explain and has elicited much hostile comment in various party organs.

I have, &c.
ACTON.

No. 598.

Sir A. Johnstone to Sir Edward Grey.

F.O. 36422/13911/11/28.

(No. 128.) Very Confidential.

The Hague, D. September 12, 1911.

Sir,

R. September 16, 1911.

I have had the honour of receiving the instructions contained in your despatch No. 55 Confidential of the 7th Instant⁽¹⁾ to furnish a report on the state of public opinion in the Netherlands with regard to the negotiations proceeding between France and Germany. You add that it would be of especial interest to His Majesty's Government to learn whether the feeling in the country is anti-German or the reverse.

I have already had the honour in my Despatch No. 126 Very Confidential of the 31st August last⁽²⁾ to inform you of the official statement of the Government that they were preparing to do their utmost to defend an infraction of their neutrality on the part of Germany. This statement is borne out by the reports of the French Military Attaché and by articles in the newspapers, the most recent of which was published in the "Nieuwe Rotterdamsche Courant" of the 7th Instant and refers to the Royal Decree, also published on the 7th Instant, prolonging the military training of the levies of 1907 and 1908.

I have the honour to enclose in translation both the newspaper article in question as well as the Royal Decree.⁽³⁾

I have also gathered from General Baden Powell, who passed through here on the 9th Instant and who had spent a day or so at Amsterdam, that he learnt from Dutch officers that great military activity was being shown at Muiden and along the coast of the Zuyder Zee in the neighbourhood of Amsterdam.

Colonel Bridges is to arrive here to-day or to-morrow and I shall doubtless learn from him further details about the Dutch preparations to resist any incroachment on their territory by Germany.

So, as far as the official side of Holland is concerned, I think it may be assumed that the country will do its little best to resist a violation of their neutrality if war occurs in the near future.

Now as regards public opinion in the Netherlands as to the negotiations proceeding at Berlin between France and Germany.

You are aware that it is almost useless to endeavour to feel the public pulse here by means of the newspapers which are chiefly news-sheets and seldom publish political articles of any strong colouring.

Lord Acton has in the annual report on the Netherlands for 1910 stated his opinion that the Dutch are gradually drifting into a state of apathy and alludes to "degeneracy of patriotism," and His Lordship's opinion is of great value both from his long stay here and from his general shrewd intelligent appreciation of events.

⁽¹⁾ [Not reproduced as the contents are sufficiently indicated above. (F.O. 35050/33297/11/29.)]

⁽²⁾ [Not reproduced as the contents are sufficiently indicated above. (F.O. 34452/33297/11/29.)]

⁽³⁾ [These enclosures are not reproduced.]

Captain Dumas also in his remarks on the Dutch navy, enclosed in the Annual Report for 1907 § 60, speaks in very doubtful terms of Dutch patriotic feeling.

I have endeavoured latterly to collect from my colleagues and from Dutch men some inkling of what is in the minds of the public about the negotiations between France and Germany. I gather that the almost universal desire is that these negotiations should lead to a peaceful settlement as the nation fully recognize their unfortunate geographical position in the event of a European war.

Should such a war break out, and the Netherlands not be called on to defend their neutrality, I believe that the majority of public opinion in this country would be in favour of the Germans being defeated. The bitterness against Great Britain, engendered by the Boer war, has practically died away and the old feeling of dread and dislike of her powerful and overbearing neighbour Germany has again the upper hand in the Netherlands.

Nothing would I believe induce the Dutch, if unattacked, to take sides in a European war, but I do not believe that if her neutrality were violated and Dutch blood were shed in endeavouring to protect it that she would condone such an offence or not feel gratitude to any Power who came to her help. The Dutch are a sluggish race; they may and probably have been enervated, as have other nations, by luxury, and they are not naturally fond of military life. But I do not for one moment believe that their patriotism is so dead as to be deaf to a call to arms if their country were invaded. War changes most things. In the event of ordinary commercial or diplomatic negotiations we could not rely, except in exceptional cases, on Dutch support against Germany as the Netherlands have so much to gain from and so much to lose to their neighbour on the east. They never will willingly provoke Germany, with whom their commercial interests are so strongly associated. But the nation who first violates Dutch territory—whether it be Germany, France, Belgium or Great Britain—would rouse I believe a lasting enmity here and may expect a stubborn resistance. Such a nation would always have to consider if the game were worth the candle, bearing in mind that the first invader would be the enemy, the second power crossing the Dutch frontier would be looked upon as the deliverer. The comparatively warm reception of President Fallières by the Dutch at the moment when the Moroccan difficulty was assuming a menacing aspect cannot have been agreeable to the German Government, and my French colleague is persuaded that the Dutch officials and Queen Wilhelmina are resolved not to accept any dictation from Germany.

That Dutch sluggishness can be roused to enthusiasm has been shown by the populace when the birth of a Dutch Princess, heiress of the Orange-Nassau line, relieved their anxiety as to the succession to the throne of the Netherlands falling into the clutches of a German prince, and I believe the same enthusiasm would be manifested if the Queen again appealed to the country to defend its frontiers.

Later.

Colonel Bridges arrived here on the 12th Instant and I have the honour to enclose a despatch from him reporting his interview with the Dutch Minister of War. You will notice Major Colyn's statement that the Dutch troops would fire on the Germans if they attempted to cross Limburg. Colonel Bridges' report is, I venture to think, very interesting.

In conclusion I beg to remark that it is just possible, but I do not think probable, that the present preparations of the Dutch to defend their neutrality may be ostentatiously made in order not to afford any pretext to other Powers to say in future "You have not shown any desire to defend your neutrality, therefore you must take the consequences." It may be, I do not think it is true, that there is an understanding with Germany that the latter will not violate Dutch territory in return for a benevolent attitude, or that in spite of outward show Holland will allow the passage of German troops through her kingdom. The Dutch may be "slim" but to attribute deep subtlety to them in every political circumstance and to absolutely

discredit the statements made separately to me and the Military Attaché by the Minister for Foreign Affairs and the Minister of War respectively, argues a frame of mind which will accept nothing but what it sees.

I have, &c.

ALAN JOHNSTONE.

MINUTE.

An interesting, relevant, and well-written despatch.

E. G.

Enclosure in No. 598.

Lieutenant-Colonel Bridges to Sir A. Johnstone.(⁴)

(No. 9.) Confidential.

Sir:—

The Hague, September 12, 1911.

I have the honour to report that I to-day called on the Minister for War and asked whether he could give me any information as to Dutch military preparations and if the reports in the press as to the movements of troops and activity on the German frontier were correct.

He told me the following steps had been taken:

1. The repetition exercises of the 1907 and 1908 levies of the Infantry and 4th (Coast) Artillery Regiment which ended on 9th September are to be prolonged for 23 days.
2. The infantry at the Helder and Flushing will remain in their garrisons and not go to manœuvres as ordered.
3. The infantry of the 3rd division will do regimental exercises near the German frontier (instead of divisional training as intended) until the Grand Manœuvres (this measure is partly due to the dry season).

(It is intended to carry out the inter-divisional manœuvres 1 and 3 Divisions in spite of the weather).

4. Other minor measures have been taken.

On the other hand, there is no movement of troops or calling up of reserves.

His Excellency Monsieur Colyn told me that he knew that the German VIII, XIV, XV, and XVI Corps had been placed practically on a war footing and that there were two divisions distributed at Julich and Kempen, the latter place being within 16 k[ilo]m[etres] of the frontier at Venlo.* He said there was an important German detraining station at Dalheim and asked me for information of such places on the Belgian frontier which I gave him. He then produced a map of Liège and asked me if the press news of Belgian preparations was authentic. I informed him on the subject.

In reply to my query as to whether the violation of any portion of Limburg would be considered by the Dutch Government as a "casus belli" Monsieur Colyn replied that in his opinion it would be so, and cited the position of the battalion at Maastricht which would certainly open fire on German troops should they attempt to cross the peninsula. I remarked on the difficulty of the withdrawal of such troops and His Excellency said that they would no doubt fall back through Belgium and on Belgian troops, a contingency for which they were perfectly prepared. Dutch troops could cross Belgium, and Belgian troops Holland, without reference to any Power but that directly concerned. I asked whether there was any prospect of a military understanding between Holland and Belgium. He said that such did not exist at present and he greatly deplored the fact (thus contradicting the information given in my desp[atch] No. 8 of September 9th, 1911).(⁵) He asked me several questions in

(⁴) [The original of this despatch was sent to the War Office. The text given above has been taken from a copy preserved in the Foreign Office archives.]

* The press states that the Germans have two train-loads of bridging material at Rheindahlen.

(⁵) [Not reproduced. The despatch cannot be traced.]

regard to Belgian preparation and the situation between Belgium and Germany. He took the view that Dutch territory is unlikely to be violated in the event of a war. The critical period he said would be from the 20th September when the French and German classes under arms should begin to go to their homes.

Should the Germans violate both Dutch and Belgian territory the two armies might find themselves standing together, in line, facing in a S[outh] E[astern] direction.

His Excellency gave me "Carte blanche" to visit the posts on the frontier and his card to facilitate my so doing. This was a most unusual courtesy.

Colonel van Oordt, the Commandant of the War School, tells me that the drought will not affect the inundations of the New Holland Water Line, the Rhine at Vreeswyk being several metres higher than the basin to be flooded. He said that all the guns, ammunition and stores required were in the New Holland Water Line but the guns were not in position.

He did not expect an invasion without due warning and thought the necessary days of grace would be forthcoming for Holland though perhaps not for Belgium, the desirability of Liège from a German point of view making a surprise attack on that place a possibility.

I propose to go to Limburg this week and will report further to the War Office.
I have, &c.

T. BRIDGES,
Lieutenant Colonel, Military Attaché.

No. 599.

Sir A. Johnstone to Sir Edward Grey.⁽¹⁾

F.O. 37404/13911/11/28.

(No. 132.) Very Confidential.

The Hague, D. September 19, 1911.

Sir,

R. September 25, 1911.

With reference to my Despatch No. 128 of the 12th Instant⁽²⁾ respecting the Dutch attitude towards the Franco-German negotiations about Morocco, I have the honour to enclose a despatch from Colonel Bridges to myself containing some notes on his recent journey along the Dutch frontier.⁽³⁾

You will observe that Colonel Bridges does not think that any serious opposition will be offered by the Dutch if the Germans attempted to enter Belgium via Limburg, but that they would retreat behind the New Holland Water Line.

I have also the honour to enclose a Memorandum by Count Bentinck of a conversation with M[onsieur] van Idsinga on the subject of the Dutch attitude towards Germany and England respectively.

I do not think that either Colonel Bridges's despatch or M[onsieur] van Idsinga's opinion materially alter my contention about the Dutch resisting any encroachment on their neutrality.

I have never asserted that they would necessarily oppose a desperate resistance to Germany at the frontier. They must judge themselves as to their most favourable line of defence which seems, by general consensus, to be the New Holland Water Line.

Monsieur van Idsinga is, I understand, pro-English and is sometimes disappointed if all his pro-English ideas are not adopted by his countrymen.

But I still believe that, if the Germans cross Dutch territory guns will be fired and a lasting feeling of bitterness would ensue against the aggressors.

⁽¹⁾ [The originals of this despatch and enclosure were sent to the War Office. The texts given above have been taken from copies preserved in the Foreign Office archives.]

⁽²⁾ [v. immediately preceding document.]

⁽³⁾ [The despatch from Colonel Bridges is not reproduced as it is technical in character.]

I enclose a cutting from the "Gazette de Hollande,"⁽⁴⁾ a newspaper which has just been started here, and which is patronized by the French legation.

This article so nearly expresses what Monsieur van Swinderen said to Monsieur Pellet and myself that I called at the French Legation this morning and asked the Chargé d'Affaires if he knew anything about the article. He said he did not, but that he knew the editor very well and added a significant remark that if I wanted anything inserted in the paper he could easily get it done for me!

As Monsieur van Swinderen is leaving for the United States at the end of the week where he will stay a month and does not receive the Heads of Missions to-morrow, I made an appointment to meet him at the Ministry this afternoon.

I showed His Excellency the article in the "Gazette de Hollande" and said I was so struck by the similarity of its expressions to the assurances given lately by him to my French Colleague and myself about the determination of the Dutch to defend their neutrality that I ventured to ask him if he had caused its insertion.

Monsieur van Swinderen told me he had not even read the paper lately, and had nothing to do with any views given in it. He then read the article attentively and said: "Why I might have written this myself." I took the opportunity of drawing his attention to the 9th paragraph of the article which talks about the Dutch resistance, in case of a violation of the territory in Limburg by the Germans, being restricted to taking act of the violation and then to a retreat towards the north.

This portion of the article, I remarked to His Excellency, did not quite bear out what he had said to my French Colleague and myself about the Dutch opposing a violation of their neutrality with all their strength.

Monsieur van Swinderen then asserted very solemnly and earnestly that he could assure me that the Queen and the Government were determined to resist a German advance to the best of their ability. There could be no question naturally of resisting the German forces for any length of time but the Minister of War had declared to the Queen and Government that he could answer for holding back the Germans for a couple of days, and that many guns would be fired and much blood shed before the Dutch retreated. Should such a violation of territory occur, Holland would consider herself at war with Germany, and the country would back up the Government as they detested the "pickelhaube."

I think it is of no use for me to make further comments on the policy of the Netherlands Government in case of a war breaking out and a violation of Dutch territory occurring.

Monsieur van Swinderen may be trying to deceive me and to give the British and French Governments a good idea of Dutch determination to be absolutely neutral—some diplomatists here believe him to be insincere and untrustworthy. But if a Foreign Minister can look a Representative of another nation straight in the face and volunteer a series of untruths merely in order to create a favourable impression of his country's views, one must despair of ever reaching an understanding with such a Minister and country by the aid of straightforward negotiations.

I have, &c.

ALAN JOHNSTONE.

Enclosure in No. 599.

Memorandum by Count Bentinck.

(Confidential.)

In the course of conversation regarding the Moroccan crisis, Monsieur van Idsinga, an influential deputy of the Right Party in the Second Chamber, told me that if war broke out it was feared that Germany would probably cross the Dutch frontier in Limburg in order to march on Paris. There was a shorter route through Belgium, but it was more difficult and the Dutch route would probably be the most tempting.

⁽⁴⁾ [Not reproduced.]

Holland would be obliged to oppose the violation of her neutrality and to give battle. It would, however, be a mere formality for, as everybody knew, Holland could not possibly defend that outlying portion of her territory, nor effectively oppose the passage of the Germans. The Dutch troops would then retire and await further events. The question would then be left to Germany to decide whether she would choose to consider this armed protest of Holland as a "casus belli" and thereupon invade Holland, or whether she would wink at it and leave Holland alone. In the latter case Monsieur van Idsinga did not think Holland would offer further opposition. He considered, however, that the former alternative would be the more probable, and the Dutch troops would then retire behind the New Holland Water Line, whence they would be able to defend themselves with some hope of success. He appeared to consider the Water Line impregnable.

On my remarking that it seemed a pity Holland and Belgium were not agreed as to common action when, in the present instance, their interests were identical, Monsieur van Idsinga said that the Dutch and Belgians disliked one another too much to combine, and I must not think that if a British force came to the assistance of the two countries in the event of their being invaded by Germany, any Dutch troops would cross the Belgian frontier for common action in Belgium.

In the present crisis, Monsieur van Idsinga considered that opinion in this country was on the whole more favourable to England and France as, in this particular instance, Germany was looked upon as the aggressor who had brought about the trouble. The idea was, at the same time, prevalent in Holland that England would welcome a rupture in order to have the chance of smashing the German fleet.

In general, Monsieur van Idsinga did not consider that the feeling in this country was more favourable to England than to Germany. On the contrary, commercial circles in Amsterdam and Rotterdam were very pro-German as it was in their interest to be so. There were, moreover, very many Germans who resided in the Netherlands and their influence was bound to make itself felt. Even among the aristocracy at The Hague, he could not say that England was liked as a nation, though individuals might be popular. Though the anti-British feeling aroused by the Boer war had now almost died away, the sentiments Monsieur van Idsinga spoke of were of much older standing. In history England was looked upon as the "Perfide Albion" who had wrested by force the Cape and Ceylon from the Dutch and who was always intriguing in the affairs of other nations and trying to bring about trouble.

September 16, 1911.

MINUTES.

See 37406⁽⁵⁾ which gives striking confirmation to the opinion which Sir A. Johnstone had formed previously i.e. that the Dutch *will* resist a German invasion. But it appears from Colonel Bridges despatch that such resistance is not likely to be at all effective and that the Dutch will have to retreat very soon behind the New Holland water line where the Germans would presumably leave them and continue their advance on France.

G. H. V.
25/9/11.

This is in accordance with the views of the D[irectors of] M[ilitary] O[perations] who have never believed that Dutch resistance would be of much use: but the advantages to Germany of allowing Holland to remain neutral are considerable, and many competent authorities think that no violation of Dutch territory would take place. This came out clearly during the agitation about the fortification of Flushing.

A. P.
F. A. C.
26/9.
A. N.
E. G.

(⁵) [v. immediately succeeding document.]

No. 600.

Sir A. Johnstone to Sir Edward Grey.

F.O. 37406/13911/11/28.

(No. 134.) Confidential.

Sir,

*The Hague, D. September 22, 1911.**R. September 25, 1911.*

With reference to my Despatch No. 132, Very Confidential of the 19th instant,⁽¹⁾ I have the honour to report that Monsieur van Swinderen telephoned to me yesterday morning to say he should be glad if I could call at the Ministry in the afternoon.

When I saw His Excellency he told me that, after our conversation reported in my above mentioned despatch, he had gone to the Minister of War and received his leave to inform me that, in case of a violation of Netherlands territory by the Germans, the Dutch General Staff were prepared with plans immediately to throw two divisions amounting to about 46,000 men (about half the Dutch army) in the way of the invader and would oppose any advance to the best of their ability.

His Excellency added that he had seen the Queen two days ago at the Loo, and had Her Majesty's permission to tell me from herself personally that, if the Netherlands territory were violated, the whole country would rise to defend it.

I thanked His Excellency for his communication. I had reported the substance of what he had told me to you; and, personally, I fully credited all he said on the subject.

The danger of immediate war appears to have greatly diminished. If war occurred it is, I believe, doubtful whether Germany would in any case violate Dutch territory. In the future she would probably only do so if she had a private understanding with the Netherlands. But I venture to think that, in view of the military preparations made in the present instance by the Dutch Government, it is highly unlikely that any such understanding exists at the moment between the two countries.

I have, &c.

ALAN JOHNSTONE.

MINUTE.

The last paragraph seems to sum up the situation well.

A. P.

Very unlikely that any understanding between the Dutch and the Germans exists.

F. A. C.

25/9.

A. N.

E. G.

⁽¹⁾ [v. immediately preceding document.]

No. 601.

Extract from the Annual Report for the Netherlands for the Year 1911.(Enclosed in Sir A. Johnstone's despatch No. 27, D. February 22, 1912,
R. February 26, 1912.)

I.—FOREIGN RELATIONS.

F.O. 8219/8219/12/29.

. . . 19. I feel sure that however much the patriotism of the Dutch may have deteriorated since the days when they braved all perils and hardships to ensure the continued existence of the united provinces, there still exists in this country great determination to preserve their territory and independence. They are, unfortunately

perhaps for them, too independent and impatient of discipline ever to become a military nation, unless they are forced to it by extraneous circumstances. That they will accommodate themselves to circumstances, and in case of a European war allow Germany to enter their country, even if the strictest guarantees are given for subsequent evacuation of it and for an indemnity for any losses sustained, I do not for a moment believe. They would probably oppose a certain amount of resistance at the frontier in case of an infringement of their neutrality and then retire within their waterline of defence round Amsterdam to await events. But it is pretty clear, as Sir E. Crowe has pointed out in his minute of the 31st January⁽¹⁾ on Mr. Parker's memorandum respecting the proposal to increase the existing fortifications at Flushing, that in case of Germany being at war with Great Britain it is in the interest of the former that she should have in Holland a neutral neighbour so as to allow the free entry of her commerce in neutral bottoms by Amsterdam and especially by Rotterdam, as with Rotterdam blockaded the whole of the carriage of goods from and to foreign ports by the Rhine would be arrested. And consequently it seems most doubtful whether Holland would have much reason to dread an infringement of her neutrality from the east. The question seems to be whether she would in case of an infringement look upon such an act as a declaration of war against her and open her arms to an expeditionary force coming to her relief. Or if even no such force were sent whether she would refuse entry at Rotterdam and up and down the Scheldt of German vessels and allow the fleet of another Power to help her in enforcing her decrees. It is difficult to give definite answers to such questions. I can only record my belief that the Government of the Netherlands have been heartened up by the recent resolute attitude of Great Britain, and that they are consequently more likely to offer opposition to any future attempt by Germany at encroaching on their independence.

II.—NAVAL AND MILITARY POLICY AND ARMAMENTS.

32. Colonel Bridges, who has contributed the following paragraph under the present heading, seems to take a very despondent view of the state of the Dutch army though the effect of the new Militia Bill is as yet to be felt. I imagine there is little doubt that the Dutch if they were invaded or if their neutrality was infringed would retreat, as I have stated elsewhere, to the Amsterdam line of defence. They have no scheme of defence entailing co-operation with Belgium. The main point is whether the Germans would find it necessary to cross Limburg in order to attack France through Belgium, and if they did so what would be the attitude of the Netherlands Government? Would they condone this infraction of their territory which hardly affects their main position, or would they consider such an infraction a *casus belli*? I am disposed to think that in the existing circumstances they would consider any infraction an act of hostility and would consider that a state of war existed.

33. The year 1911 has been one of some military interest in Holland. The political crisis of the summer focussed public attention on the question of the defence of Dutch neutrality, and opinions were divided as to whether the country was in a position to defend it effectively or not. The Dutch Government showed signs of making at all events a show of resistance should German troops have violated the eastern frontier while the War Minister declared that the entrance of German troops into Dutch Limburg would in his eyes be a *casus belli*. In consequence of the political unrest men of the 1907 and 1908 levies belonging to the infantry, cyclists, coast artillery, and hospital corps were retained with the colours for an extra twenty-three days, *i.e.*, up to the 2nd October. This occasioned a certain amount of discontent amongst the troops, which, in one instance, was manifested by an outbreak in camp. The garrisons on the Dutch-German frontier were re-arranged with a view to the defence of the strategical approaches and the bridges over the Meuse were said to have been prepared for demolition. No defensive works were undertaken. In the New Holland waterline, the main defence of the country, no preparations were to be

⁽¹⁾ [*v. supra*, pp. 704-5, No. 590, *min.*]

observed. This line depends largely on inundations for its efficiency, and owing to the abnormal drought it may be considered that at the time of the crisis it would have taken some five or six days to prepare. Nor could the resistance offered by the available troops in Gelderland and Limburg have been sufficient to have detained four German divisions (the number thought by the Dutch general staff to be at one time concentrated close to the frontier) for this length of time. Indeed, had German troops invaded Holland between the 15th August and the 15th September, it is probable that they would have met with little serious resistance until brought to a standstill by the defences of Amsterdam.

34. *Military Reform*.—The event of the year 1911 was the successful passage of the Militia Bill through the Second Chamber after a fourteen days' debate. Although likely considerably to increase the efficiency of the Dutch army, especially as regards officers and non-commissioned officers, the measure does not strike at the root of the present evils of indifferent training and indiscipline, the only cure for which, was emphatically stated by the Dutch Defence Committee last year, being a substantial increase in the first period of training with the colours. The War Minister may, however, be regarded as having extracted from the country the maximum measure of reform possible under the existing conditions of party. After this success, the military budget and a Bill for increasing the pay of officers, both subjects of the greatest opposition in the previous year, were passed in the Second Chamber in a day and a half. Other military measures that are awaiting discussion are the Bill for reorganising the Landwehr and a Bill for the creation of a Landsturm, which by the end of the year were in the report stage, and a Bill for the reorganisation of the infantry to correspond with the provisions of the new Militia Bill. The latter has not as yet been presented. The discussion of the Coast Defence Bill has apparently been postponed *sine die*.

35. A good deal of opposition has again been shown to the so-called Krupp monopoly of the Netherlands armament contracts. This may be traced to the unpopularity of Germany after the events of the summer. The chief arguments employed have been that Messrs. Krupp take advantage of their privileged position to dictate to and advise the Government in technical matters and occasionally to off-load inferior material on the Dutch naval and military authorities, and that to be in any way dependent on a German firm for war material in time of war would be a source of the gravest danger to the country. A committee of Dutch artillery experts visited the various armament firms in Europe during the summer, but their report has not been made public. Several trials have taken place with creusot material (Messrs. Schneider), but although these trials have cost the firm in question a considerable sum of money no orders have yet been given.

36. The army of the Netherlands has made practically no progress in the last two years, and in spirit, discipline, and training it is at the end of 1911 even inferior to what it was at the end of 1909. It remains to be seen what effect the new militia law will have. The artificial defences of the country and its communications have not been kept up to date. Inundations, on which the Dutch greatly depend, are depreciating in value owing to the gradual drying up of the country,* the inability to test them, the growth of the power of the individual as against the State, which might interfere with the machinery of inundation in time of war, and the altered strategic conditions. Amongst the latter may be mentioned the development of the German mobilisation and concentration system which has now been carried to such perfection, that it is doubtful whether the Dutch would be given sufficient time to make up their minds to flood their country. As far as can be ascertained the New Holland waterline is in no condition to resist a determined attack, and the Amsterdam defences are not

* A commission was appointed in 1911 to enquire into the drying up of certain lakes to the east of the River Vecht, which form an important part of the Amsterdam inundation system. Portions of the lake of Alkmaar are, it is reported, to be reclaimed. This lake has also its bearing on the defence of Amsterdam.

as yet completed. In general it may be stated that the defence system of Holland is in an unsatisfactory condition, and that during the year 1911 little substantial progress towards efficiency has been made.

No. 602.

Sir A. Johnstone to Sir Edward Grey.

F.O. 8221/8221/12/29.
(No. 29.) Confidential.
Sir,

*The Hague, D. February 23, 1912.
R. February 26, 1912.*

Reports have appeared within the last few days in the French and Belgian press which have been transmitted to newspapers both in Great Britain and Germany that a communication has been recently made to the Belgian Minister here by the Netherlands Minister for Foreign Affairs on the subject of the fortification of Flushing and the international situation in that connection.

Monsieur van Swinderen is stated to have said to Baron Fallon that if and when the new forts were completed the Netherlands Government would not oppose the assemblage of an international Conference to decide what use should be made of the forts in the interests of peace and with due regard to international Treaties.

Count Reventlow has seized the opportunity to refer to this supposed declaration in an article in the *Tageszeitung* entitled "Are the Netherlands resigning their Sovereign rights?" He infers that, if that is the case this country is not doing so willingly but acting under British and French influence.

This morning Count Reventlow's article is quoted in the *Nieuwe Courant* and is followed by a semi-official statement which runs as follows:

"The assurance given by our Minister for Foreign Affairs on *January 23, 1911*, to Baron Fallon was nothing but a declaration of the willingness of the Netherlands to cooperate in a Conference for discussing the Treaty of 1839 guaranteeing the neutrality of Belgium provided:—

"(I) that the question whether or not the Netherlands should construct a fort at Flushing should be decided in advance by the Netherlands in the full exercise of their independence, whether in a confirmative or negative sense—

"(II) that the five guaranteeing States should be unanimously in favour of a Conference for the revision of the Treaty in question, both in the interests of International peace and of Belgium."

The Netherlands Government is fully aware from your explicit statement in the House of Commons last February⁽¹⁾ of the view taken by His Majesty's Government as to the right of the Netherlands to construct new fortifications at Flushing, and, as the construction of those forts appears to be dormant for the time being, I did not wish to speak to Monsieur van Swinderen officially on the subject of these newspaper articles without instructions to do so.

My Belgian colleague tells me, confidentially, that the account given of his conversation with Monsieur van Swinderen of January 1911 is correct, but the newspapers are under the false impression that it only recently took place. He informed his Government of what passed between him and Monsieur van Swinderen and urged the advisability of calming the Belgian press who by their ill-advised outcry against the fortifications were fostering a Chauvinistic spirit here. Baron Fallon added that his Government had not responded to Monsieur van Swinderen's proposals,

(¹) [*v. supra*, p. 707, No. 592.]

and, until he saw the articles in the press, he thought that Monsieur van Swinderen's words were only known to the Governments of Belgium and the Netherlands.

It appears that the first newspaper article giving the proposals made in 1911 appeared about ten days ago in the *Telegraaf* of Amsterdam, and was from the pen of Herr Israels who was formerly its Paris correspondent, and is now an occasional contributor to its columns. Herr Israels was well known to Monsieur van Swinderen when the latter was in Paris and is believed to be still on friendly terms with the Minister.

Baron Fallon spoke to Monsieur van Swinderen about Herr Israels' article, and expressed surprise at the knowledge possessed by the paper even though it had made the mistake of a whole year in its date. The Minister replied that he had no idea of how the secret had leaked out. Baron Fallon answered for the secrecy of his staff and Monsieur van Swinderen did the same for his.

This interview was about ten days ago, and it was hoped that the matter would die out.

But the republication of the news with its false date has now appeared in so many foreign papers that the semi-official explanation has I conclude become obligatory.

Baron Fallon has promised to keep me informed of any conversation he may have with Monsieur van Swinderen whom he has not seen since their interview mentioned above.

Monsieur van Swinderen's willingness in January 1911 to submit the question of the bearing of the Flushing forts on the international question of the neutrality of Belgium to a Conference of the Guaranteeing Powers, if unanimously desired by them, was possibly prompted by his knowledge of Monsieur Pichon's Circular to the French Ambassadors in London, Berlin, St. Petersburg, and Vienna proposing that the guaranteeing Powers should exchange views on the subject. This Circular must have been despatched a few days before Monsieur van Swinderen's conversation with Baron Fallon. (See Sir F. Bertie's No. 33 Confidential of January 19, 1911.)⁽²⁾

I have, &c.

ALAN JOHNSTONE.

(²) [*v. supra*, p. 689, No. 563.]

APPENDIX II.

[*ED. NOTE.*—The following letters from the Hardinge MSS. are printed here as they were not found in time for inclusion under order of date in the text. *v. supra*, p. 145, No. 122, note (2), and p. 159, No. 137, note (2).]

Sir A. Nicolson to Sir C. Hardinge.

Private.⁽¹⁾

My dear Hardinge,

St. Petersburg, December 4, 1907.

Many thanks for your last letter. I was glad that Iswolsky spoke to me about the Baltic mystery, which he has cleared up in a certain measure. Perhaps his telegram to Benckendorff will give further information, but he seemed a little doubtful if he would have time before his messenger leaves tomorrow to write a full despatch to Benckendorff on the subject. However as he has now broached the question, it will be easy to return to it when an opportunity occurs. But I would prefer to say nothing further to him just yet and until I hear from you. I made no observation beyond a simple inquiry or two, as I have noticed with Iswolsky that he buttons up if he imagines that one is about to criticize or discuss. I like to give him free rein when he is communicative. It is difficult to judge what is the scope of the "declarations" until the text is received and examined, but I should mention that he emphasized more than once that it was the *territorial status quo* which was guaranteed. I should also like to know the details as to the friendly arrangement about the Aland Islands. I daresay you will be able to extract a good deal from Benckendorff. Iswolsky was nervous throughout the whole of my interview, as he had to disclose the Bagdad Railway discussions, as to which I have written in a private letter to Sir Edward. I gathered, rather from his tone than from what he actually said, that the declarations, though not actually signed are nigh upon being so. He was ambiguous as to what is to be, or has been, signed with Germany. Do you not think that it is a little significant that Denmark is left out of the combination if it is a matter of the Baltic Powers guaranteeing the territorial status quo? Russia can derive no advantage from her arrangement with Sweden till the 1856 Treaty is abrogated, and we have a decisive voice in that question. I daresay that the Swedish Minister was anxious to ascertain in what tone we should speak, when he made his enquiries of O'Beirne and which I have reported in a despatch. Perhaps Rodd could ascertain some further details at Stockholm.

You will see in a despatch the few remarks which Iswolsky made as to the Turco-Persian frontier question. It is clear that the Russian General Staff have spoken to him, and I expect that during the winter he will ask us to come to some arrangement as to the pressure to be put upon the Porte either for the evacuation of the occupied localities, or for a Joint Frontier Commission to finally demarcate and settle the boundary line. He evidently anticipates that the pressure will have to be pretty strong, as he is convinced that Germany is backing up the Porte. In short his feelings towards Germany are not at present very amiable. He is annoyed with Schön for having, according to him, exaggerated the nature of the conversations which had taken place in respect to the Bagdad railways and he is uneasy at German activity in Persia, and the likelihood of Germany obtaining a footing at Tehran. At the same time he is flirting with Austria; and is anxious not to take any step which would displease d'Aehrenthal. As regards Persia I should mention that he remarked that the situation at Tabreez was exceptionally disturbed, and that his

(1) [Hardinge MSS., 1907.]

Consul was clamouring for awards etc. He observed that he was determined to make no military movements unless absolutely compelled to do so. . . .⁽²⁾

Yours ever,

A. NICOLSON.

⁽²⁾ [The rest of this letter contains a brief reference to the proposed exchange of telegraph lines in Persia, gives an account of the internal situation in Russia, and refers to Russian relations with the United States.]

Sir A. Nicolson to Sir C. Hardinge.

Private.⁽¹⁾

My dear Hardinge,

St. Petersburg, January 2, 1908.

I think that we may congratulate ourselves on the manner in which Iswolsky is co-operating with us in regard to Persia, as he is acting with perfect straightforwardness and loyalty. He fully realizes that the two Gov[ernmen]ts should march hand in hand, and the action of the German Chargé d'Affaires has strengthened his desire to do so. Iswolsky was excessively annoyed at the line which M. de Richthofen has been following, and especially so at what he termed 'the malicious and malevolent' insinuation that both of us were working for our own ends, and endeavouring to make capital out of the Persian crisis. His telegram to Osten Sacken was firmly worded, and he has stiffened his back against German interpolation. He told me last evening that the German Gov[ernmen]t protested that v[on] Richthofen had acted quite correctly, and had never overstepped by a hair's breadth the limits within which a diplomatist should confine his action. They again hinted that the British, Russian and French R[epresentative]s—and now they add the Dutch Minister—had, on the other hand, played too active a part. I told Iswolsky the story of v[on] Richthofen's visit to the Dutch Minister, and his unusual language. He knew of it, and laughed at the idea of Germany being able to create a "Morocco question" in Persia. There was no Madrid Convention, he remarked, in the case of Persia, which could give Germany and excuse for 'internationalising' the Persian question. "If we two work cordially together, as we are doing, we can view all these intrigues with equanimity, and prevent them from becoming really dangerous": and with this I agreed.

The stars in their courses are drawing him nearer and nearer to us. He sees, I think, clearly that German policy in the Middle East will not work to the advantage of Russian interests, and as he is, for the moment, a little hipped with France, who has been unduly sensitive as to his Baltic and Bagdad railway causeries, he is disposed to lean more on us, and it will be well to encourage him, and to show ourselves appreciative. I must confess that from what I have seen of German diplomacy in Madrid, at Algeiras and here, it strikes me as being exceedingly clumsy: there is little winning grace about it. I agree with you that there was no *arrière pensée* in Iswolsky's Baltic venture. It was not very well timed, and might have been handled differently, but I do not think that there was any Machiavellian plan at the back of his mind. He might have spoken to Sweden alone, and it was scarcely necessary to have brought Germany at this juncture into the discussions. He is evidently anxious to free Russia of what he describes as her "servitudes" in regard to the Aland Islands; and he hoped to square Sweden in the first place, and then address himself to us and France, whom he presumed he would not find more Swedish than the Swedes. But Sweden apparently is not disposed to 'play up,' judging from what Lövenörn told me, which I had reported in a short despatch, and this will rather nonplus Iswolsky. In any case it will afford us an opportunity of coming into any combination in regard to the Baltic, and I think that we can regard these preliminary manoeuvres with equanimity. I expect

⁽¹⁾ [Hardinge MSS., Vol. II of 1908.]

that we shall find Russia desirous of joining in any arrangement as to the North Sea: and it might be of advantage if we could suggest her participation. Such a step on our part would certainly please Iswolsky, if a plausible reason could be found for making the suggestion. . . .⁽²⁾

Y[ou]rs ever,
A. NICOLSON.

⁽²⁾ [The rest of this letter refers to the internal affairs of Russia, and touches on Russian relations with Turkey.]

APPENDIX III.

Lord Palmerston and the Acquisition of Overseas Possessions from Portugal and Spain, 1846-7.

[*ED. NOTE.*—In view of the supposed designs of Germany on oversea possessions of Portugal detailed in Chapter LXII, the annexed documents will be found of some interest. They contain minutes by Lord Palmerston taken from a packet at the Record Office consisting of his minutes and drafts and they relate to transactions previously unknown.]

(a) *Portugal, 1846-7.*

Mr. Southern to Lord Palmerston.

F.O. Portugal 620.

(No. 40.)

My Lord,

Lisbon, November 19, 1846.

I have received Information from a strictly private source, that this Government has under Consideration some Project for the sale of Goa and Damão.

I am not able at present to state to Your Lordship any further particulars on the subject, but I will endeavour to procure information thereupon.

I have, &c.

HENRY SOUTHERN.

MINUTE.

F.O. 96/21.

Mr. Southern's No. 40 of Nov[embe]r 19/46.

Mr. Southern to endeavour to learn further about this and if he sh[oul]d hear that there is any notion of offering these Possessions to any other Power than G[rea]t B[ritai]n he will intimate to Port[uguese] Gov[ernmen]t that such a Proceeding would be looked upon in a very serious light by G[rea]t B[ritai]n.

P. 26/11—46.

[In another hand] Done.

H[is] M[ajesty's] Gov[ernmen]t (at the instance of the Board of Controul) offered to buy Goa—two or three years ago—The offer was then refused.

F[oreign] O[ffice], Nov[embe]r 26/46.

Sir H. Seymour to Lord Palmerston.

F.O. Portugal 646.

(No. 47.) Confidential.

My Lord,

Lisbon, March 26, 1847.

. . . . Count Tojal began by observing that the backwardness shewn by the Barings to come to the relief of Portugal at this moment appeared to him quite inexplicable, since they not only had an opportunity of rendering this Country a service which would for ever ensure the gratitude of the reigning Dynasty, (a gratitude which would be proved not in words, but by acts) but might do so with perfect safety, the Government being willing to make over to them the surplus revenue of St. Michael's and of Madeira, both Islands possessing a sound metal currency, and the latter alone having a surplus revenue of £40,000.

"You understand" Count Tojal said "that this guarantee would place the subject of a powerful maritime Country in a state of perfect security, and it might be that the Country would not be sorry to be called upon to take an interest in a mortgage which it might be expedient some day to foreclose.

"England," he said, to make his meaning still more distinct, "possesses the Ionian Islands, and Malta, and Gibraltar, and She may some day reflect that Madeira and St. Michael's would make a happy completion of the chain."

I assured Count Tojal, in an easy manner, that the Colonial policy of England was much more moderate than he appeared to suspect; and I made, internally, the reflection that a Government in the state of ruin into which that of Portugal is rapidly falling, becomes a dangerous Member of the European Body corporate. To express my meaning more clearly, it appears to me that, not indeed from evil

intention, but from sheer necessity and pressure, a bait which was now thrown out for the English Government, might, upon some other occasion, be tried with the Governments of France or of the United States.

Allowing the subject of the proposed guarantee to drop, I said that I observed in Mr. Falconnet's letter some allusion to Goa as a Colony which might be given as security for a loan;—that I would take that opportunity of asking whether I had been rightly informed as to the fact of a question having been mooted in the Council respecting the sale of Goa to the English Government or to the East India Company.

Count Tojal said that it was quite true that he himself had hinted in Council at the expediency,—not, indeed, of selling Goa for £300,000, since it was worth much more,—but of offering Goa as a security for a loan of that amount.

I enquired how the proposal or hint had been received.

“Oh,” Count Tojal said, “extremely ill;—this is precisely what occurred.”

“The words were hardly uttered, when the Queen said ‘There, that is precisely what I have been expecting;—I was sure of it;—you would strip Portugal of its possessions;—you would compromise the dignity of the Crown!’ I saw at once,” Count Tojal added, with the indiscretion which marked his whole conversation, and for which he is well known, “I saw at once that there was nothing to be done; but I resolved to justify myself, and therefore rejoined that the Queen would allow me to observe that at least I did not call upon Her Majesty for any personal sacrifices; and that it appeared to me that the Royal dignity would be less compromised by raising money upon a distant Colony than by pledging the Crown Jewels.” . . .

I have, &c.

G. H. SEYMOUR.

MINUTE.

F.O. 96/21.

Sir H. Seymour's No. 47. M[ar]ch 26/47.

Say he was quite right in giving no encouragement to the notion that England might by such means as those hinted at by C[oun]t Tojal become possessed of Madeira and St. Michaels. Those Islands might no doubt be valuable Possessions to G[rea]t B[ritain] if they belonged to her naturally and fairly, but the British Gov[ernmen]t never would take advantage of the temporary distress and difficulties of an antient ally whom the British Crown is bound by Treaties to protect, in order to convert[?] those difficulties and that distress into an opportunity for stripping that ally of Possessions which are as valuable to her as they could be to England.

With regard to Goa Diu and Damaun⁽¹⁾ the case is different, those Possessions from their Distance and geographical Position are of no practical value to Portugal, but would be of some value to the E[ast] I[ndia] Comp[an]y and therefore the Company would at any time be willing to treat for the Purchase of them, at the same time it is believed that the Company would not offer more than 200000£ for those settlements.

P. 7/4—47.

[In another hand] Done.

(1) [The three chief possessions of Portugal in India.]

(b) *Spain, 1846.*

[The next minute refers to Annobollon, 105 miles SSW. of São Thomé, and the last Spanish island of the Fernando Po group.]

F.O. 96/21.

What Power is this Island understood by us to belong to?

P. 29/11/46.

[In another hand] To Spain. It is an appendage to Fernando Po. In 1839 Lord Palmerston made an offer to the Spanish Gov[ernmen]t to purchase Fernando Po and Anna Bon as stations for Cruizers employed for the suppression of the Slave Trade. £50,000 was offered in the first instance, and afterwards £60,000. The negotiation upon this subject fell to the ground in consequence of the Spanish Gov[ernmen]t being unable to obtain the consent of the Cortes to the cession of the Islands to Great Britain.

F[oreign] O[ffice], Nov[embe]r 30/46.

Let matter rest as it is.

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- CATALANI, CHEVALIER T., 1st Secretary at Italian Legation at London, 1886-90 (sometimes *Chargé d'Affaires*).
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- CHAGAS, SENHOR, Portuguese President of the Council and Minister for Foreign Affairs, 1911.
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- CHAMOIN, GENERAL in French Army, Commanding 1st Infantry Division, at Lille, 1909.
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- H.R.H. PRINCE CHARLES OF DENMARK (since 1905, KING HAAKON VII OF NORWAY).
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- CHILTON, MR. H. G., 3rd (since 1908, 2nd) Secretary at British Legation at Brussels, 1907-10 (sometimes *Chargé d'Affaires*).
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- CHOATE, MR. J. H., U.S.A. Ambassador at London, 1899-1905; First Delegate at Second Hague Peace Conference, 1907.
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- CHURCHILL, MR. WINSTON L. S., British Under-Secretary of State for Colonies, 1906-8; President of Board of Trade, 1908-10; Secretary of State for Home Affairs, 1910-1; First Lord of Admiralty, 1911-5.
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- CLARENDON, GEORGE W. F. VILLIERS, 4TH EARL OF, British Secretary of State for Foreign Affairs, 1853-8, 1865-6, 1868-70.
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- CLAUSSE, M. ROGER, Secretary of French Legation at Stockholm, 1908.
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- CLEMENCEAU, M. GEORGES, French Minister of the Interior, 1906; Prime Minister and Minister of the Interior, 1906-9.
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- COLLIER, MR. R. PORRETT (later, 1ST BARON MONKSWELL), British Attorney-General, 1868-71.
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- COLLON, MAJOR, Belgian Military *Attaché* at Paris, 1913.
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- COLYN, CAPTAIN H., Dutch Minister for War, 1908-13.
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- COMTESSE, M. ROBERT, President of the Swiss Federal Council and Minister for Foreign Affairs, 1909-10.
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- CORTI, COUNT L., Italian Ambassador at London, 1885-8.
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- CREEL, SEÑOR, Mexican Minister for Foreign Affairs, 1911.
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- CRISPI, SIGNOR FRANCESCO, Italian Prime Minister and Minister for Foreign Affairs and Interior, 1887-91.
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- CROWE, MR. (since 1911, SIR) EYRE, Senior Clerk, British Foreign Office, 1906-12; Assistant Under-Secretary of State for Foreign Affairs, 1912-20; Permanent Under-Secretary, 1920-5.
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- CURRIE, SIR P. (since 1899, BARÓN), British Assistant Under-Secretary of State for Foreign Affairs, 1882-9; Permanent Under-Secretary of State for Foreign Affairs, 1889-94; Ambassador at Rome, 1898-1903.
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- DAVIDSON, SIR W. E., Legal Adviser to the British Foreign Office, 1886-1918.
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- DAVIGNON, M. J., Belgian Minister for Foreign Affairs, 1907-14.
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- DELAUVAUD, M. L. C. M., French Minister at Christiania, 1905-11; at Stockholm, 1918-23.
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- DELCASSÉ, M., French Minister of Foreign Affairs, 1898-1905; Minister of Marine, 1911-3.
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- DELMÉ-RADCLIFFE, COLONEL C., British Military *Attaché* at Rome, 1906-11.
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- DELVINCOURT, M., 1st Secretary at French Legation at The Hague, 1906-14 (sometimes *Chargé d'Affaires*).
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- DERBY, EDWARD G. G. S. STANLEY, 14TH EARL OF, British Colonial Secretary, 1841-4; Prime Minister, 1858-9, 1866-8.
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- DERING, MR. H. G., Councillor of Embassy, at British Legation at Berne, 1911 (sometimes *Chargé d'Affaires*).
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- DESART, HAMILTON J. A. CUFFE, EARL OF, British Plenipotentiary at London Naval Conference, 1908
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- DEYM, COUNT, Austro-Hungarian Ambassador at London, 1888-1903.
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- DRAGO, DR., Minister for Foreign Affairs in the Argentine, 1903; Second Delegate at Second Hague Peace Conference, 1907.
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- DRUMMOND, HON. (since 1916, SIR) J. E., Clerk in British Foreign Office, 1900-10; Assistant Clerk, 1910-8; Senior Clerk, 1918-9.
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- DUMAS, CAPTAIN O. W., British Naval *Attaché* at Berlin, 1906-8.
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- EGERTON, SIR E. H., British Ambassador at Madrid, 1903-4; at Rome, 1905-8.
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- FABER, CAPTAIN W. V., M.P. for West Hampshire, 1906-18.
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- FALLIÈRES, M. ARMAND, President of the French Republic, 1906-13.
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- FALLON, BARON A., Belgian Minister at The Hague, 1910-9.
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- FERGUSSON, SIR JAMES, British Parliamentary Under-Secretary of State for Foreign Affairs, 1886-91.
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- FITZMAURICE, LORD E. (since 1906, 1ST BARON FITZMAURICE OF LEIGH), British Parliamentary Under-Secretary of State for Foreign Affairs, 1883-5, 1905-8; Chancellor of the Duchy of Lancaster, 1908-9.
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- FRENCH, SIR JOHN (since 1915, 1ST VISCOUNT), Major-General, Commanding First Army Corps, 1901-7; Inspector-General, 1907-11; Chief of the General Staff, 1911-4; later Field-Marshal.
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GAISFORD, MR. H. W., 2nd (later 1st) Secretary at British Legation at Lisbon, 1909-12 (sometimes *Chargé d'Affaires*).

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- GRANVILLE, GEORGE LEVESON GOWER, 2ND EARL, British Under-Secretary of State for Foreign Affairs, 1840-1; Secretary of State for Foreign Affairs, 1851-2; Lord President of the Council, 1852-4, 1859; British Secretary of State for the Colonies, 1868-70, 1886; for Foreign Affairs, 1870-4 and 1880-5.
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- GREY, SIR EDWARD (since 1916, 1ST VISCOUNT GREY OF FALLODON), Secretary of State for Foreign Affairs, December 11, 1905-December 11, 1916.
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- HERTSLET, SIR E., Librarian at British Foreign Office, 1857-96.
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- KOMURA, BARON, Japanese Minister for Foreign Affairs, 1901-6, 1908-11; Plenipotentiary for the Peace Negotiations at Portsmouth, 1905; Ambassador at London, 1906-8; Minister for Foreign Affairs, 1908-11.
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- LAMPSON, MR. M. W., Clerk in British Foreign Office, 1903-13; 2nd Secretary at Tôkiô, 1908-10; Acting 2nd Secretary at Sofia, 1911; Assistant Clerk in Foreign Office, 1911-22.
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- LANGLEY, MR. (later SIR) W. L. F. G., Senior Clerk in British Foreign Office, 1902-7; Assistant Under-Secretary of State for Foreign Affairs, 1907-18.
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- LESLIE, MR. E. H. J., Clerk in British Foreign Office, 1902-13; Assistant Clerk, 1913-9.
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- LEWIS, SIR GEORGE CORNEWALL, British Chancellor of the Exchequer, 1855-8; Home Secretary, 1858-9; Secretary of State for War, 1861-3.
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- LINDLEY, HON. (later SIR) F. O., 2nd Secretary at British Embassy at Tôkiô, 1905-8; 1st Secretary at Sofia, 1909-12; at Christiania, 1912-5; Counsellor of Embassy at Christiania, 1915-8.
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- LINDMAN, M., Swedish Acting Minister for Foreign Affairs, 1905.
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- LISTER, MR. E. G., Clerk in British Foreign Office, 1899-1907; Acting 3rd Secretary at Constantinople and Sofia, 1903-5; at Paris, 1905-6; Assistant Clerk in Foreign Office, 1907-13.
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- LISTER, HON. (later SIR) R., 2nd Secretary of British Embassy at Paris, 1898-1902; Secretary of Legation at Copenhagen, 1902-4; Councillor of Embassy at Rome, 1904-5; at Paris, 1905-8 (sometimes *Chargé d'Affaires*); Minister at Tangier, 1908-12.
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- LUCAS, MR. (later SIR) C. P., Principal Clerk, British Colonial Office, 1896; Assistant Under-
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- LUNDEBERG, M. CHR., Swedish Prime Minister, 1905.
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- MACDONALD, SIR C. M., British Minister at Peking, 1896-1900; at Tôkiô, 1900-12.
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- McKENNA, RT. HON. R., British First Lord of the Admiralty, 1908-11; Secretary of State for
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- MACLEAY, MR. J. W. R., 1st Secretary at British Legation at Brussels, 1911-4 (sometimes *Chargé*
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- MALET, SIR E. B., British Ambassador at Berlin, 1884-95.
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- MALEVSKI-MALEVIC, M. N., Russian Ambassador at Tôkiô, 1908-14.
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- MALLET, MR. C. C., British Vice-Consul at Panama, 1884-6, 1888-91; Consul, 1903-14; Minister, 1919-25.
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- MALLET, MR. (since 1912, SIR) LOUIS, Assistant Clerk in British Foreign Office, 1902-5; Private Secretary to Sir E. Grey, 1905-6; Senior Clerk, 1906-7; Assistant Under-Secretary of State for Foreign Affairs, 1907-13; Ambassador at Constantinople, 1913-4.
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- MANNEVILLE, COUNT DE, 1st Secretary at French Embassy at London, 1904-9 (sometimes *Chargé d'Affaires*); at Athens, 1909-10; at Brussels, 1910-2; Councillor at Berlin, 1912-4.
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- MARBURG, MR. THEODORE, U.S.A. Publicist.
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- MARES, M. ROLAND DE.
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- MARSCHALL VON BIEBERSTEIN, ADOLF, BARON, German Secretary of State for Foreign Affairs, 1890-7; Ambassador at Constantinople, 1897-1912; at London, 1912; First Delegate at Second Hague Peace Conference, 1907.
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- MARTENS, PROFESSOR, Russian Delegate to 2nd Hague Peace Conference, 1907.
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- MAX MÜLLER, MR. W. G., 1st Secretary at British Legation at Christiania, 1907-9 (sometimes *Chargé d'Affaires*); Councillor of Embassy at Legation at Peking, 1909-11.
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- MAXWELL, MR. R. P., Senior Clerk in British Foreign Office, 1902-13.
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- MAYCOCK, MR. (since 1913, SIR) W. R. D., Clerk in British Foreign Office, 1872-1903; Superintendent of Treaty Department, 1903-13.
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- H.M. MENELEK II, Emperor of Abyssinia, 1889-1904.
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- METTERNICH, COUNT PAUL VON WOLFF-. German Ambassador at London, 1901-12.
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- MICHEL, GENERAL, Belgian Minister for War, 1912.
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- MICHELSEN, M. P. C. H. K., President of Norwegian Council of State, 1905.
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- MILLERAND, M. ALEXANDRE, French Deputy, Minister for War, 1912-3 (later President of the French Republic).
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- MONTEIRO, SENHOR, Portuguese Minister for Foreign Affairs, 1907.
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- MORIER, MAJOR, French Military *Attaché* at Berne, 1909-10.
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- MOTONO, M. ITSCHIRO, Japanese Minister at Paris, 1902-6; Minister at St. Petersburg, 1906-8; Ambassador, 1908-16.
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- MÜLLER, COLONEL, Chief of Swiss Military Department, Section technique, 1910.
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- MUMM VON SCHWARTZENSTEIN, BARON, German Ambassador at Tökiö, 1906-11.
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- NANSEN, DR. F., Norwegian Minister at London, 1906-8.
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- NICOLSON, SIR ARTHUR (since 1916, 1ST BARON CARNOCK), British Ambassador at Madrid, 1905-6; at St. Petersburg, 1906-10; British Representative at Conference at Algeciras, 1906; Permanent Under-Secretary of State for Foreign Affairs, 1910-6.
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- O'BEIRNE, MR. H. J., 2nd Secretary at British Embassy at Paris, 1900-4; 1st Secretary, 1904; at Washington, 1905; at Paris, 1905-6; Councillor of Embassy at St. Petersburg, 1906-15 (sometimes *Chargé d'Affaires*).
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- OJETTI, SIGNOR UGO, Correspondent in Paris of the Italian *Giornale d'Italia*.
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- OLIVEIRA, SENHOR D', Portuguese Delegate to 2nd Hague Peace Conference, 1907.
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- ONSLow, COLONEL SIR RICHARD W. A. ONSLOW, 5TH EARL OF, Assistant Private Secretary to Sir E. Grey, 1909-10; Clerk in British Foreign Office, 1910-3; Private Secretary to Sir A. Nicolson, 1911-3; Assistant Clerk, 1913-4.
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- OORDT, COLONEL VAN, Commandant of the Dutch War School, 1911.
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- ORDE, MR. C. W., Clerk in British Foreign Office, 1909-20.
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- H.R.H. OSCAR-GUSTAVE-ADOLPHE, Crown Prince of Sweden.
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- OTCHIAI, M., 1st Secretary (later Councillor) at Japanese Embassy at St. Petersburg, 1906-11.
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- OTTLEY, REAR-ADMIRAL SIR C. L., Assistant Secretary of British Imperial Defence Committee, 1904; Naval Delegate at Second Hague Peace Conference, 1907; Secretary to the Imperial Defence Committee, 1907-8; Delegate at London Naval Conference, 1908.
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- PAGE, MR. W. H., U.S. Ambassador at London, 1913-8.
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- PAGET, SIR A. B., British Ambassador at Vienna, 1884-93.
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- PAGET, SIR RALPH S., British Assistant Under-Secretary of State for Foreign Affairs, 1913-5.
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- PALMERSTON, 3RD VISCOUNT, British Secretary of State for Foreign Affairs, 1830-41, 1846-51; Secretary of State for Home Affairs, 1852-3, 1853-5; Prime Minister and First Lord of the Treasury, 1855-8, 1859-65.
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- PANMURE, FOX MAULE, 2ND BARON, British Secretary at War, 1846-52, 1855-8.
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- PARKER, MR. ALWYN, Clerk in British Foreign Office, 1906-12; Assistant Clerk, 1912-7; Librarian, 1918-9.
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- PICHON, M. STEPHAN, French Minister for Foreign Affairs, 1906-11.
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- POURTALÈS, COUNT VON, Prussian Minister at Munich, 1902-7; Ambassador at St. Petersburg, 1907-14.
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- PRESSENSE, M. FRANCIS DE, French Deputy.
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- PRINETTI, SIGNOR, Italian Minister for Foreign Affairs, 1901-3.
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- RANTZAU, COUNT VON, German Military *Attaché* at Berne, 1908-12.
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- READ, MR. W., British Consul at St. Michael's, Azores, 1886-1911.
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- REAY, DONALD JAMES MACKAY, 11TH BARON, Governor of Bombay, 1885-90; Under-Secretary of State for India, 1894-5; Plenipotentiary at Second Hague Peace Conference, 1907.
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- REID, MR. WHITELAW, U.S. Ambassador at London, 1905-13.
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- RENNIE, MR. E. A., 1st Secretary at British Legation at Lisbon, 1908-9 (sometimes *Chargé d'Affaires*); Councillor of Embassy at Tehran, 1909; at Madrid, 1910-4 (sometimes *Chargé d'Affaires*).
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- RÉVOIL, M., French Ambassador at Berne, 1905-7; Representative at Conference at Algeiras. 1906: Ambassador at Madrid, 1907-10.
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- RIVAS, LIEUT.-COL. J. R. DE, Spanish Military *Attaché* at Paris and Brussels, 1909-20.
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- RODD, SIR J. RENNELL, Secretary of British Embassy at Rome, 1901-3 (sometimes *Chargé d'Affaires*); Councillor of Embassy, 1904; Minister at Stockholm, 1904-8; Ambassador at Rome, 1908-21.
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- ROOSEVELT, MR. THEODORE, President of the U.S.A., 1901-9.
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- ROSEBERY, THE 5TH EARL OF, British Prime Minister and First Lord of the Treasury, 1894-5; Secretary of State for Foreign Affairs, 1886, 1892-4.
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- RUCHET, M. E., President of Swiss Federal Council, 1904-5; Minister of the Interior, 1906-11.
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- RUMBOLD, MR. H. G. M., Councillor of British Embassy at Tôkiô, 1909-13 (sometimes *Chargé d'Affaires*).
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- RUYSSENAERS, M. VAN, Dutch Delegate to London Naval Conference, 1907.
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- SALIS, J. F. C., COUNT DE, Councillor of British Embassy at Berlin, 1906-11 (sometimes *Chargé d'Affaires*); Minister at Cettinje, 1911-6.
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- SALISBURY, THE 3RD MARQUIS OF, British Secretary of State for Foreign Affairs, 1878-80, 1885-6, 1887-92, June 29, 1895-November 12, 1900; Prime Minister, June 29, 1895-July 12, 1902.
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- SANDERSON, SIR T. H. (since 1905, 1ST BARON), British Permanent Under-Secretary of State for Foreign Affairs, 1894-1906.
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- SAN GIULIANO, MARQUIS DI, Italian Minister for Foreign Affairs, 1905-6; Ambassador at London, 1906-10.
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- SATOW, SIR E. M., British Minister at Tangier, 1893-4; at Tôkiô, 1895-1900; at Peking, 1900-6; 2nd Delegate at Hague Conference, 1907.
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- SAZONOV, M., Councillor of Russian Embassy at London, 1904-6 (sometimes *Chargé d'Affaires*); Agent to the Vatican, 1906-9; Acting Minister for Foreign Affairs, 1909-10; Minister for Foreign Affairs, 1910-6.
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- SCAVENIUS, M. E. DE, Secretary at Danish Legation at Berlin, 1907-9 (sometimes *Chargé d'Affaires*).
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- SCHLIEFFEN, COUNT VON, General in German Army, Military Governor of Mainz, 1910.
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- SCHOEN, HERR WILHELM VON, German Ambassador at St. Petersburg, 1905-7; Minister for Foreign Affairs, 1907-10; Ambassador at Paris, 1910-4.
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- SCOTT, DR. JAMES BROWN, Solicitor of the U.S. State Department, 1910.
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- SELBY, MR. W. H. M., Clerk in the British Foreign Office, 1904-11; Acting 3rd Secretary in the British Diplomatic Service, Berlin, 1906-7; Member of Secretariat of the Second Peace Conference at The Hague, 1907; Assistant Private Secretary to Sir E. Grey, 1911-5.
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Addendum to Volume VII.

[ED. NOTE.—The following communication with reference to the *Memorandum by Sir E. Crowe respecting Franco-German Negotiations* of January 14, 1912, printed on pp. 821-6 of Volume VII, has been received from Monsieur Caillaux with a request for publication, to which the Editors have no sort of objection. The communication formed part of a letter of October 12, 1932, addressed to Lord Tyrrell, the British Ambassador at Paris. The opening paragraphs of this letter and one passage in the later portion are omitted as they are of a personal character.

The position of the Editors with reference to the selection of documents is defined in the Foreword to this and previous volumes. The selection of documents is non-official, and determined by them as private individuals, and the British Government have no responsibility for what is printed or omitted. The attitude of the Editors to the contents of documents was recently defined in a letter addressed to the *Neue Freie Presse* in reply to comments on the material relating to *The Cartwright Interview* published on pp. 837-845 of Volume VII. They stated then that they "in no way guarantee the accuracy of any statements published in *British Documents* whether made by British or Foreign Statesmen. Nor do they express personal opinions on the merits of disputes." Their practice can be illustrated by the Editorial Note on p. 60 of Volume II where they call attention to the fact that the account of the Anglo-German negotiations of 1901 given by Lord Lansdowne is different from that given by Baron Eckardstein but make no attempt to say which is correct.]

Communication from M. Caillaux.

. . . . Sir E. Crowe prétend que, de 1908 à 1911, j'ai conduit de mystérieuses négociations avec le Gouvernement allemand, que l'envoi d'un bateau à Agadir a eu pour objet de m'obliger à accorder les concessions que j'avais consenties et que les dirigeants germaniques "avaient en poche." Il rapporte que M. Clemenceau a affirmé avoir eu la preuve positive que, dans le courant du mois de Septembre 1911, j'aurais été jusqu'à me dire tout prêt à conclure un arrangement secret avec l'Allemagne pour une coopération active contre l'Angleterre. En deux mots—je passe tout le fatras des détails—j'aurais secrètement machiné pendant de longues années, plus particulièrement pendant la crise d'Agadir, aux fins de rompre l'Entente cordiale et d'opposer la France et l'Allemagne unies à la Grande-Bretagne.

On ne peut rêver plus incroyable roman.

Je n'ai eu aucun contact d'aucune sorte, à aucun moment, ni avec Berlin ni avec les représentants germaniques à Paris avant le mois de Mai 1911. L'accord franco-allemand de Février 1909 dont, en une note écrite en tête de la dépêche 146 (page 131 du volume), on prétend que je l'ai initié, n'a été connu de moi que par les déclarations de M. Pichon, Ministre des Affaires Etrangères du cabinet Clemenceau où je siégeai de 1906 à 1909 comme Ministre des Finances. Les pourparlers qui ont abouti à cet agrément ont bien été menés par un négociateur officieux, ce que d'ailleurs je ne trouve nullement répréhensible. Je n'ai su le fait que des années plus tard de la bouche même de ce négociateur officieux qui a eu l'obligeance de m'en écrire une lettre que j'ai conservée.

Se basant sur l'accord de Février 1909 le premier Gouvernement de M. Briand dont je ne faisais pas partie a eu l'idée de favoriser des fusions d'intérêts entre des groupes de soi-disant négociants français et allemands travaillant au Cameroun et au Congo. Ce fut l'affaire dite de la N'Goko Sangha. Je l'ai combattue au Parlement de toutes mes forces parce qu'elle me paraissait dolosive pour mon pays et j'ai fortement concouru à la faire échouer.

Lorsque, le ministère Briand étant tombé, je suis rentré au gouvernement dans le cabinet Monis (Mars 1911), le baron von der Lancken, Conseiller à l'Ambassade d'Allemagne, est venu me demander, à titre de compensation pour l'échec de la N'Goko Sangha, de faire subventionner par l'Etat français dont je gérais les finances, de concert avec le Reich, la construction et l'exploitation d'un chemin de fer qui eût traversé le Cameroun et le Congo français. L'étude de la question à laquelle je procédai sur le champ m'engagea à penser que, en accédant aux propositions allemandes, la France ferait un marché de dupe. Le Conseil des Ministres,

auquel bien entendu je soumis le dossier en lui donnant mon avis, conclut dans mon sens.

Quelques jours plus tard j'étais élevé à la Présidence du Conseil des Ministres et j'ai lieu de penser, même de savoir—rien d'étonnant à cela au surplus—que de mon avènement on ne se réjouit pas précisément à Berlin.

Seulement, si je défends, âprement parfois, les intérêts de mon pays, je suis de toute mon âme acquis à la cause de la paix européenne.

Quand j'aperçus la guerre menaçante en suite du coup d'Agadir—les documents insérés dans le septième volume de la publication britannique montrent à quel point le danger fut pressant—je mis tout en œuvre pour prévenir la catastrophe. Je ne refusai pas de me prêter à des conversations officieuses que le baron von der Lancken me *demanda*. Agissant dans la plénitude de mon droit de chef de gouvernement, je fis savoir à Berlin par l'intermédiaire du conseiller d'ambassade à Paris que je désirais concilier la France et l'Allemagne dans l'affaire du Maroc, même parvenir, si c'était possible, conformément aux suggestions déjà fournies par M. Jules Cambon à M. von Kiderlen dans les conversations de Kissinger rapportées au Livre Jaune, à un arrangement général entre les deux pays sur toutes les questions les divisant *hors d'Europe*. Je marquai enfin le désir que, pour éviter les énervements d'opinion, il fût abouti aussi rapidement que possible. Je rencontrai un médiocre succès à la Wilhelmstrasse où l'on déclina mes ouvertures pour un agrément général, où l'on se borna à réduire, dans une mesure encore inacceptable, les cessions de territoires congolais que l'on réclamait. Mais, à aucun moment, au cours de ces pourparlers officieux qui ne se prolongèrent pas d'ailleurs au delà de quelques jours, ni d'un côté ni de l'autre, il ne fut question de la Grande-Bretagne.

Pas davantage, ne fut-il dit quoi que ce soit qui fût contradictoire avec l'esprit de l'Entente cordiale tout au long des tractations officielles qui s'engagèrent dans la seconde quinzaine d'Août 1911, lorsque je me fus enfin résigné à déposséder mon Ministre des Affaires Etrangères, dont l'entourage, sinon lui-même, était en complet dissentiment politique avec moi, du soin de diriger les négociations qui furent dès lors conduites par le Conseil des Ministres tout entier.

L'allégation de M. Clemenceau que j'aurais été jusqu'à me montrer prêt en Septembre 1911 à conclure un arrangement secret avec l'Allemagne contre la Grande-Bretagne rentre dans la catégorie des sornettes dont les bas agents tiennent boutique, que ne ramassent pas, même avec des pincettes, les hommes d'Etat que la passion ou l'intérêt ne désaxent pas.

Voilà ma réplique! On peut objecter qu'elle ne repose que sur ma parole.

Ma parole vaut, j'imagine. Elle vaut d'autant plus qu'elle s'oppose à des accusations qui s'effondrent dans le néant des preuves. Car Sir E. Crowe n'était pas —et pour cause—de l'ombre d'une preuve le stupéfiant amas de calembredaines qu'il entasse dans son *Memorandum*. Et n'est-ce pas axiome de droit que l'agresseur a charge de justifier ses attaques, que l'attaqué ne peut être tenu d'établir l'inanité des accusations dirigées contre lui?

Dans l'espèce cependant l'attaqué est mis en situation par la Fortune, par les événements de jeter bas le tas de billevesées édifié contre lui.

Vingt et une années se sont écoulées depuis la crise d'Agadir. Le conflit mondial, les révolutions qui s'en sont suivies ont fait sortir des tiroirs ou des coffres où elles dormaient les dépêches diplomatiques. Le Gouvernement du Reich a publié, l'un des premiers, les documents d'avant-guerre. S'il y avait eu quelque collusion entre les dirigeants de l'Empire défunt et un homme d'Etat français, il ne manquerait pas d'en apparaître au moins des traces dans ces recueils de pièces. Rien!

Bien plus! des amis de M. von Kiderlen ont fait paraître sous le titre "*Kiderlen-Waechter Intime*" un ensemble de lettres privées où le Ministre disparu dévoilait à une . . . amie tous les ressorts de sa politique, où il la tenait au courant, en 1911, presque jour par jour, des haut et des bas de la négociation qu'il menait avec la France. A qui fera-t-on croire que, s'il y avait eu quelque entente secrète entre lui et le

Président du Conseil du pays adverse, il l'aurait cédée dans cette correspondance intime? Rien!⁽¹⁾

Enfin, le baron von der Lancken vient de publier ses *Mémoires*. Il y est naturellement traité de nos relations. Quelques erreurs, quelques omissions aussi se sont glissées dans le récit du diplomate allemand. Mais ce sont insignifiances. Dans l'ensemble il est entièrement d'accord avec moi. Ai-je besoin d'ajouter que je n'ai eu aucunes relations d'aucune sorte avec M. von der Lancken depuis 1912?

Le coup de massue est décisif. Je ne crois pas m'illusionner en lui appliquant ce qualificatif.

Dépasserai-je la mesure en formulant *in fine* le regret que le haut fonctionnaire du Foreign Office qui a écrit le 14 janvier 1912 l'in vraisemblable factum contre lequel je m'élève n'ait pas, au préalable, pris l'attache de l'homme de haute pondération qui représentait alors la France à Londres et qu'il se soit exclusivement rapporté à des informations lui venant de Paris, procédant toutes de milieux *diplomatiques et politiques* où l'on était profondément hostile à la politique de paix que je poursuivais?

(¹) [A paragraph of a personal character is here omitted.]

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